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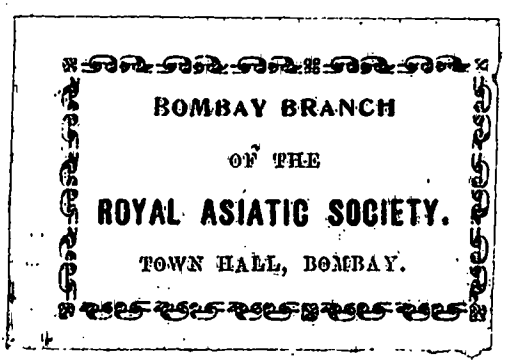

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A DEFENCE

OF THE

CONSTITUTIONS OF GOVERNMENT

OF THE

UNITED STATES OF *AMERICA*,

AGAINST THE ATTACK OF M. TURGOT

IN HIS

LETTER TO DR. PRICE,

DATED THE TWENTY-SECOND DAY OF MARCH, 1778.

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aC

BY *JOHN ADAMS*, L. L. D.

PRESIDENT OF THE UNITED STATES.

LIBRARY OF THE BOMBAY BRANCH OF THE ROYAL ASIATIC

IN THREE VOLUMES.

VOL. III.

THE THIRD EDITION.

Some philoſophers have been fooliſh enough to imagine, that improvements might be made in the ſyſtem of the univerſe, by a different arrangement of the orbs of heaven; and politicians, equally ignorant, and equally preſumptuous, may eaſily be led to ſuppoſe, that the happineſs of our world would be promoted by a different tendency of the human mind.

JOHNSON'S ADVENTURER, No. 45.

PHILADELPHIA:

PRINTED BY WILLIAM YOUNG,

FOR *WILLIAM COBBETT*, OPPOSITE CHRIST'S CHURCH.

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A

DEFENCE

OF THE

CONSTITUTIONS OF GOVERNMENT

OF THE

UNITED STATES OF *AMERICA*.

PISTOIA.

My dear Sir, October 4, 1787.

THE Roman republic, according to its cuſtom * of placing judges in all places under its dominion, ſent to Piſtoia a pretor who had the whole juriſdiction, civil and criminal, over the city; reſerving always, according to the tenor of the Roman laws, the obedience to the magiſtrates of that commonwealth. This juriſdiction, acquired by the Roman Republic over the city of Piſtoia, paſſed to the Roman emperors, and from theſe into the power of the Goths and the Lombards, and ſucceſſively in thoſe who, from time to time, were the Lords (ſignore) of Tuſcany; and has continued, down to our times, under the ſame tie and obligation of dependence. It is very true, that the province being liberated from the government of foreign nations, and its governors (dominatori) having permitted the people to make laws

* Memorie Storiche della citta di Piſtoia, raccolte da Jacopo Maria Fioravanti, nobile Patrizio Piſtoieſe. Edit. Lucca, 1758, cap. ii. p. 15.

and create magiſtrates, the authority became divided: hence when the conceſſion was made to the Piſtoians to create magiſtrates, take the name of conſuls, and form the general council of the people, they were permitted to expedite, by the authority of theſe, many things in their city; reſerving always, nevertheleſs, the ſovereignty to their lords. This conceſſion of governing themſelves by their own laws, obtained by the provinces of Italy, was the mere liberality of Charlemain*, at a time when, having delivered them entirely from the government of the barbarians, he placed them under the command of one of his royal miniſters, with the title of marquis, or of duke. Under this ſyſtem of government was comprehended Tuſcany, which had its dukes and marquiſſes, who governed it. But as it was the cuſtom of Charlemain, and, long after him, of his ſucceſſors, to ſend to the cities of this province two ſubaltern miniſters, one with the name of caſtaldo, or governor, and the other with that of count, which is as much as to ſay, judge of the city, who held his courts of juſtice either alone, or in conjunction with the caſtaldo, and very often with the biſhop of the place, as the biſhops were aſſeſſors and officers, deputed as vaſſals of the king or the emperor; ſo the city of Piſtoia was a long time ruled and governed by this order of caſtaldi and counts. Otto the ſecond, having aſcended the imperial throne, and having conducted, with little good fortune, the affairs of Italy, the people began to think it lawful to loſe their reſpect, and to fail in their veneration, for the imperial commands, and the cities advancing in their inclination for liberty, many of them began to

* Sigonius, de Regno Italiæ, lib. iv.

re-aſſume

re-aſſume the title of conſuls, which had been extinct under the Longobards; and if theſe had ſomewhat of a greater authority, they were not, nevertheleſs, exempt from the juriſdiction of the dukes and marquiſſes, or from the ſovereignty of the kings and emperors.

A greater ſpirit of independence ariſing in the minds of the Italians, in the time of thoſe great diſcords between the empire and the church, diminiſhed to ſuch a degree the eſteem of the people towards the emperors, ſolemnly excommunicated by the pontiffs, that a great part of the cities of Italy, eſtranging themſelves by little and little from their obedience, began to conduct themſelves like independent ſtates, in entire freedom. This happened in the time of Henry the Fourth and the Fifth; and the diſobedience increaſed ſtill more, when all the Tedeſque forces were engaged to ſuſtain, in Germany, the competition between Lothario the Second and Conrod the Swede for the throne of Cæſar. Then the cities, taking advantage of the diſtance of thoſe who had power to bridle their arrogance, began to be inſolent*: then they began to lift up their heads, and to do whatever ſeemed good in their own eyes: then they thought it lawful to appropriate to themſelves many of the regalia belonging to their ſovereign; and believing themſelves able to ſhake off the yoke of ſuperiority, they attended to nothing but to their preſent advantage, and to dilate the limits of their uſurped liberty. But with all this, they were never able to extinguiſh the quality of their ſubjection, nor the obligation of dependence; for Frederick the Firſt paſſed over to eſtabliſh and re-

* His diebus, propter abſentiam regis, Italiæ urbibus, in inſolentiam decedentibus. Ottone Friſingenſe.

gulate,

gulate, in the convention of Conſtance, their privileges, and the regalia which were then uſurped: and the people were held to an annual cenſus*, and obliged to perform certain royal and perſonal ſervices.

In the twelfth century, the cities, after the ſimilitude of ancient Rome, all re-aſſumed the title of conſuls, and began, ſome ſooner and others later, to make their proper ſtatutes, and eſtabliſh their popular government. Though it is not poſſible to aſcertain the preciſe time when the inſtitution of conſuls was firſt made in Piſtoia, they are, nevertheleſs, found named in the ſtatutes of 1107; and of theſe there were two, called the Conſul of the Soldiers, and the Conſul of Juſtice, taken from the nobility of the place, and were called the Greater Conſuls, to diſtinguiſh them from the plebeian conſuls, of the ſecond claſs, called the Leſſer Conſuls, or Conſuls of the Merchants, taken from the common people. Their authority, and ſometimes their numbers were various; but there ought ever to be one more of the popular than of the greater conſuls †. The election of theſe magiſtrates was made every year by the people, with the intervention of all the governors, (rettori) of the arts of the city; and they governed, with the council of an hundred of the better ſort of citizens, adminiſtering juſtice both to the laity and the eccleſiaſtics. This council, beſides its extraordinary aſſemblies, was obliged to meet in the months of March, May, July, and September, after a previous intimation given by the conſuls, of the buſineſs to be done; and for the reſult of this aſſembly all determinations,

* Sigonius, lib. xiii. de Regno Italiæ.

† Unus plus de popularibus quam de majoribus.

upon

upon things of moſt importance, muſt wait; and all laws, reſolutions, and deliberations, firſt propoſed and digeſted in the ſmaller council, by the few, muſt be here confirmed or rejected.

Here again is a conſtitution of all authority in one aſſembly. The council of an hundred was ſovereign. The conſuls, though they had the command of the army, and the judgment of cauſes, could do nothing in adminiſtration by themſelves, or with advice of their little council. They had no negative upon any deliberation or reſolution of the great council: and, on the other hand, the people had no negative, not even the poor protection of a tribunitian veto. Accordingly we read, in the next paragraph, that the power of the people having ſo greatly increaſed, by means of their uſurped liberty, ſo many factions had ariſen, and ſeparated into ſo numerous diviſions, and all had become ſo much the more intractable and ſeditious, and the ſtimulus of power was become the greater, that the emperor Frederick the Firſt, in 1155, after having reduced to his obedience Milan, and received the oaths of fidelity from all the other cities of Italy, and, among the reſt, from all thoſe of Tuſcany, judged it neceſſary, to obviate the continual tumults which aroſe, to inſtitute the office and dignity of podeſta, and to ſend to the government of thoſe cities gentlemen, from among the foreign nobility, with that title. This commiſſion of podeſta operated to the damage and diminution of the influence of the conſuls, becauſe in this magiſtrate was veſted the whole judicial power, both in private and civil cauſes, and in thoſe which were public and criminal; and therefore the podeſta was the ordinary judge in the

city,

city*, with full power, dominion, and authority to govern, command, and chaſtiſe, granted to him by the emperor, to whom, as their legitimate ſovereign, the people had recourſe in caſes of appeal, and in all denials of juſtice.

From its ſubjection to this miniſter, in the earlieſt times of the inſtitution of his office, the city of Piſtoia was ſtill more irritated and oppreſſed; and, as the nomination was reſerved directly to the ſovereign, the officer was changed as often as the times ſeemed to him to require. The rigour of this inſtitution was ſoftened by length of time and continual diſcords and diſſenſions, till the city of Piſtoia acquired the right of the election of this miniſter, who obliged himſelf in many things, to follow the various ordinances and reſolutions of the conſuls. This election of the podeſta was made by the Piſtoians in virtue of a municipal law conſented to by the ſovereign; the perſon elected ſtood in office only ſix months, and was choſen by the council of the people, as it was called, that is, the council of an hundred, with the intervention of all the rectors of the chapels, and all the rectors of the arts. The podeſta was bound to conduct with him, judges ſkilful in the laws, notaries, two companies of militia, horſes, and ſervants, and other followers; and in all things were theſe officers obliged to render their accounts. It was cuſtomary to confer this dignity of podeſta upon the primary citizens. Neither the conſuls nor podeſta, jointly or ſeverally, had authority to impoſe taxes, conſent to war, peace, truce, or alliance, without the council of the people, which

* Con tutta la balia, impero, e poteſta di governare, comandare, e caſtigare. Fioravanti, p. 18.

conſiſted

conſiſted of an hundred citizens, elected in the proportion of five and twenty for each of the four gates or quarters of the city, with the intervention of all the rectors of the chapels, and rectors of the arts: or, in other words, the podeſta, conſuls, council of an hundred, and rectors of the chapels and arts, were all collected in one aſſembly, to determine on grants for money, peace, war, truce, alliance, &c. and all queſtions were determined by the vote of the majority, which neceſſarily made that tempeſtuous and capricious government in one centre, againſt which we contend.

And to the podeſta, for his regulation in the exerciſe of his office, were given by the city fourteen counſellors, and two judges; one de lege, that is to ſay, a doctor of law; the other ex uſu, or de uſu, which ſignified, as they interpreted the words, a protector of the commons; and two advocates for arguing each cauſe: and by the opinion of all theſe he decided upon thoſe things which affected the honour or utility of the public, as he himſelf, after having made his election of theſe attendants, was obliged to ſtand by their advice*. This Podeſta, in early times, ſuperintended not only the ſecular government, but the eccleſiaſtical: but in proceſs of time the city became governed by three, namely, the conſuls, the podeſta, and the biſhops; for the biſhops had profited of the violent diſſenſions that prevailed in the city, to draw to themſelves various rights and juriſdictions, as has happened in other nations. The lordſhip of the podeſta, therefore, having thrown down the authority of the conſuls; theſe were no

* His oath was, Et petam a conſiliariis toto tempore mei dominii de rebus, quæ mihi videbuntur expectare ad communem honorem et utilitatem, noſtræ civitatis Piſtorii. Fioravanti, p. 18, 19.

longer

longer appointed, at leaſt are not found in the records, till the time when the office of captain of the people was created. This inſtitution in Piſtoia happened when the Guelph party, by an increaſe of their numbers and ſtrength, acquired the ſuperiority of the Ghibellines; at which time, with a great concourſe and tumult of the people, the lordſhip was taken from the podeſta, nothing was left him but the burden of hearing and determining civil cauſes, and the twelve anziani of the people were inſtituted, and the authority of the conſuls was transferred to them.

The laſt appearance of the conſuls in the records of Piſtoia is in 1248, and the firſt of the captain of the people in 1267; when it is ſaid in the ſtatue, that the captain of the people was the firſt ruler of the city, and the primary defender of its rights, and that he ought chiefly to watch over the conſervation of the peace; that he was the judge of appeals, and of all cauſes in the ſecond inſtance; that he had cognizance of crimes; that he governed with ſupreme authority, united with that of the anziani; that he kept a court, of the ſame kind as that of the podeſta, but more numerous; and that the city gave him, for ornament and defence, three hundred of the beſt and ableſt men,* who, taking an oath of fidelity to him, ſtood continually in his ſervice*. The election of this ruler was to be made by the anziani, in the perſon of ſome foreigner, and not of any citizen of Piſtoia. Notwithſtanding that ſome of the primary citizens did in fact obtain this office, as appears by the records, the anziani were

* Volumus quod eligantur 300 boni homines de popolo Piſtorienſe, de melioribus et potentioribus, pro manutentione et defenſione capitanei. Rubrica cento delle Legge del 1274.

ſworn

ſworn not to elect any man of Tuſcany, or Piſtoia, its diſtrict, or other place adjoining to the city or its biſhoprick. The words of the law, in the twelfth rubrick of 1267, are, "Nos anthiani populi Piſtorienſis, juramus, ſine aliquo intellectu nobis dato, vel dando eligi, vel eligi facere nobis, ob Piſt. unum bonum et virum prudentem majore 30 ann. in noſtrum capitaneum populi devotum, et fidelem eccleſiæ, qui non ſit de civitate Piſtorii, vel diſtrictu, et qui non ſit de Tuſcia.... vel de aliqua terra, quæ confinet cum civitate, vel epiſcopatu, vel diſtrictu Piſtorii." And this dignity of captain of the people was in ſuch reputation, that, in many places, princes were choſen, and ſometimes even the pontiffs; and ſuch perſonages, by means of their vicars, often exerciſed it. The captain of the people, therefore, being the conſervator of the peace, and the defender of the rights of the city, the Piſtoians, to give him a ſtrong arm to bridle thoſe who had unquiet and reſtleſs brains, thought it neceſſary to create certain companies of armed men, who, at the ſound of a bell, ſhould be obliged to run together into the piazza, there to receive and execute the orders which ſhould be given them by this officer and the anziani, without whoſe permiſſion they were not allowed to depart. Theſe companies were called by the name of the Equeſtrian and Pedeſtrian Orders, becauſe they were compoſed both of horſemen and footmen. Theſe companies were afterwards augmented to twelve, in the proportion of three for each quarter, which embraced an infinite number of people; and every company had two captains, one gonfalonier, whoſe office was to carry the ſtandard of his company, and four counſellors: and it was the duty of the captain of the people to procure the election of theſe officers, as

is aſſerted in the ſtatute of 1267, rubrick 19: "Teneatur capitaneus del popolo, primo menſe ſui regiminis, eligi facere duos capitaneos, unum gonfalonerium, et quatuor conſiliarios pro qualibet compagnia civit. Piſt. pro factis ipſius compagniæ." And in the additional laws of 1286, eight priors were added to theſe companies, two for each quarter; and other orders were made for the good regulation of this militia.

The twelve anziani were created with the ſame authority and full power which the conſuls had held; but the preciſe year when the former were appointed and the latter laid aſide, cannot be aſcertained. The laſt memorial on record of the conſuls is in 1248; the firſt of the anziani in 1263; ſo that the change muſt have been made in the courſe of theſe fifteen years. The number of members of which the new magiſtrature was compoſed, appears by a law of 1267: "Ordinamus quod 12 anthiani populi civit. Piſt. ſint et eſſe debeant in civitate Piſtoria," Theſe twelve magiſtrates were renewed every two months; and afterwards, as appears by a law of 1277, it was eſtabliſhed, that the anzianate ſhould not continue longer than one month; and this magiſtrature of the anziani was elected by a council of the people of two hundred, by the rectors of the arts, and by their counſellors, and by the captains, gonfaloniers, and counſellors of the companies of the people, and by the anziani pro tempore. The head of the anziani was, in the primitive times, called prior, and not gonfalonier. The prior being the firſt dignity among the anziani, each member enjoyed it in rotation for an equal number of days, as the preſident's chair of the States General is filled by all the members in turn for one week, at the Hague. This prior had great authority,

rity, as appears by a law of 1267, written in the 37th rubrick: "Anthiani teneantur facere, et faciant inter ſe, unum priorem de ipſis anthianis adjectum ipſis, ſicut eis videbitur de tempore, cui cæteri anthiani pareant, et parere debeant, et obedire; et qui contrafecerit puniatur a priore anthianorum." Although the name of gonfalonier appears in the records of ſome of theſe years, yet certainly he was not the head of the anziani, but of the arts: thus, in the law of 1283. "Item capitaneus debeat ſpendere et aſſignare gonfalonem gonfaloneriis electis, vel eligendis, ab unaquaque arte et populo .... ita quod unaquæque ars ſuos gonfalonerios et officiales habeat." From this it clearly appears, that theſe gonfaloniers were the heads of the arts, and not of the ſupreme magiſtrature of the anziani; which gonfaloniers were elected by the council of the people of two hundred, by the rectors of the arts, and by their counſellors, and by the captains, gonfaloniers, and counſellors of the companies of the people, and by the anziani for the time being. Theſe anziani, ſitting together with the captain of the people, and the general council of the people, promulgated laws and ſtatutes, gave execution to all the laws, civil and criminal, performed and conducted all the moſt important affairs relating to the government, and reſtrained the nobles and plebeians with the fear of puniſhment, within the limits of reſpect and obedience *: that is to ſay, all authority, legiſlative, executive, and judicial, was collected together in one ſingle aſſembly. But how they reſtrained the nobles and plebeians to obedience we ſhall ſoon ſee.

In the year 1329, theſe anziani are called in the records Imperial Counſellors (Conſiglieri Im-

* Fioravanti, p. 21.

periali,)

periali,) a remarkable title, obtained probably from the emperor Louis of Bavaria, when, after the death of Caſtruccio, he placed one of his imperial vicars over the cuſtody of the city of Piſtoia.

The dignity of gonfalonier of juſtice was probably inſtituted in the year 1295, becauſe in the next year, 1296, in the acts of council it is recorded, "De conſilio et conſenſu et auctoritate dominorum anthianorum et vexilliferi juſtitiæ populi, et auctoritate ducentorum conſiliarorum."

The new laws of 1330 name a gonfalonier of juſtice, and eight anziani. It is reſolved, that the anziani of the commons, and people of the city of Piſtoia, are and ought to be eight only, viz. two for each gate or quarter, and one gonfalonier of juſtice for the whole city . . . . The ſaid lords, the anziani and the gonfalonier of juſtice, and their notaries, are and ought to be of the beſt popular men and artificers of the city, and not of any houſe of the grandees*. And the authority of the gonfalonier of juſtice was placed upon an equality with that of the anziani. The law ordained, that whenever, in the ſtatutes of the commons and people, mention is made of the anziani, the ſame ſhall be underſtood of the gonfalonier of juſtice, although he be not written; and in all things, and every where, he ſhall have the ſame authority, and full power (balia) as has one of the anziani, beſides his proper office. And to ſhow that the gonfalonier of juſtice was not, in the beginning, ſuperior to the anziani, it appears that,

* Dicti domini anthiani, et vexilliferi juſtitiæ, et eorum notarii, ſint et eſſe debeant de melioribus popularibus et artificibus dictæ civitatis, et non de aliqua domo magnata. Fioravanti, p. 21.

after

after the introduction of that office, they continued to appoint, in the uſual manner, a prior of the anziani, with the ſame authority and pre-eminence before deſcribed. The law of 1330 ſays, "And the anziani and ganfalonier of juſtice, after they ſhall be congregated in their palace, and ſhall have taken their uſual oaths, ought to conſtitute one prior from among themſelves, for ſuch time as they pleaſe, to whom all the others ought to obey, under the penalty, &c. So that each of the anziani and gonfaloniers of juſtice ſhall be prior, according to the proportion of time they ſhall be in office."

The gonfalonier, by the duty of his office, was bound to ſend out, with the conſent and participation of the anziani, the ſtandard of juſtice, to aſſemble together the armed militia, and go out to do execution againſt any of the grandees (magnati); which gonfalonier of juſtice, ſays the law, ſhall be bound by the obligation of an oath, and under the penalty of five hundred pounds, upon the commiſſion of any homicide, to draw forth the ſtandard of juſtice, and, together with the captain of the people, to go to the houſe of the grandee committing ſuch homicide, or cauſing it to be committed, and to cauſe his goods to be deſtroyed, and not to ſuffer the ſaid ſtandard to repoſe, until all the property of ſuch delinquent ſhall be totally deſtroyed and laid waſte, both in the city and the country; and to cauſe the bell of the people to be rung, if to the lords, the anziana and the gonfalonier of juſtice, it ſhall ſeem expedient, or the major part of them; and all the ſhops, ſtores, and warehouſes, ſhall be ſhut immediately upon the commiſſion of ſuch homicide, and ſhall not be opened till execution ſhall be done as aforeſaid. But in all other offences perpetrated againſt

againſt the perſon of any popular man by any grandee, it ſhall be in the diſcretion of the ſaid lords, the anziani and the ganfalonier of juſtice, or the major part of them, to draw out the ſaid ſtandard or not. Such a rigorous kind of juſtice, as it regarded the grandees, who gave themſelves a licence to commit exceſſive diſorders againſt the popular men, was thought to be the beſt adapted to their inſolence. And to undeceive thoſe who may imagine that in Piſtoia, at that time, the title of grandees was a reſpectable title, and diſtinctive of the true nobility of the place, it is neceſſary to have recourſe to the uſual municipal laws, which ſay, that the magnati (grandees) were all thoſe, of whatever condition, who, abandoned to an ill life, offended the popular men, and held the city and country in inquietude; and for this reaſon were called Magnates, became ſeparated from all public affairs, and excluded entirely from all magiſtracies and offices, and ſubjected to penalties ſtill more rigorous. By the laws of the years 1330 and 1344, to be declared a grandee was rather an infamy than an honour. The words of the law are theſe, viz. "But if it ſhall happen that men of any race, or noble houſe, or any one of them from ſuch a noble houſe or ſtock, born of the male line, or any others, live wickedly and flagitiouſly againſt the people, hurt the popular men, and terrify and diſturb the peaceful ſtate of the people, or ſhall endeavour to do ſo by himſelf or by others, and this ſhall be made known by public fame to the captain of the people, and the anziani and gonfalonier of juſtice for the time being; theſe magiſtrates, at the petition of any of the people of Piſtoia, ſhall be obliged to propoſe to the council of the people, that ſuch a noble houſe or progeny, ſuch a man or number of men, thus defamed, be written and placed

placed in the number of grafidees, and as ſuch be accounted*." And as the Piſtoians were driven to great perplexities to maintain, in peace and quiet, their popular government, and in order to puniſh ſeverely all thoſe who ſhould take the licence to diſturb the pacific ſtate of their city, they proclaimed this penalty on all delinquents, by a law of the year 1418, rubrick 9. "But if it ſhall happen that any one of any noble houſe or race, or any one of any other condition, ſhall live wickedly and profligately, or ſhall commit or attempt to commit any ſuch crime or miſdemeanor againſt the people, and the pacific ſtate of the people of the city of Piſtoia, they ſhall be recorded in the number of grandees and accounted as ſuch." To ſuch extremes of caprice and violence, deſtructive of all liberty and ſafety, are ſuch governments naturally and neceſſarily reduced †.

The city of Piſtoia had alſo in its regimen a ſyndick. This was an officer who was called an Elder, or Syndick General, who muſt be forty years of age, and live forty miles from the city. His duty was to look over the accounts of the podeſta, the captain of the people, the anziani, and all the magiſtrates and officers of the city and its diſtrict, when they reſigned or were diſmiſſed

* Scribantur et ponantur in numero magnatum et potentum, et pro magnatibus et potentibus habeantur. Fioravanti, p. 22.

† The devices on the ſtandards, ſeals, and coins of the republic, as well as all other antiquities, are not within the deſign of this eſſay; but there was on one of their ſtandards an idea that contained the trueſt emblem of their government—a lamb purſued by a wolf, with the motto, Pace, richezza, ſuperbia; guerra, poverta, umilta: Peace, riches, and pride; war, poverty and humility. If the wolf is conſtrued to ſignify the majority, and the lamb the minority, as there was neither a ſhepherd nor ſhepherd's dog to interpoſe between them, the reſemblance is perfect.

from

from their charges. There were, moreover, according to the law of 1402, judges of appeals in all cauſes, civil, criminal, and mixed; and to them belonged the cognizance of all diſputes and regulations concerning proviſions: they alſo ſuperintended the ſumptuary laws, againſt all luxurious exceſſes in the dreſs and ornaments of the ladies; and they entertained a number of notaries, and a numerous family and court, for the execution of all ſervices appertaining to their offices.

The city of Piſtoia being in this ſtate of government, in 1355, the emperor Charles the Fourth arrived at Piſa, and the citizens appeared before his Imperial majeſty, and gave him the demonſtrations of vaſſallage and obedience due to the ſovereignty which he held over their city. The emperor confirmed to them all the privileges granted by his auguſt predeceſſors; and deſirous of fixing the reputation and reverence for the dignity of the gonfaloniers of juſtice, he enlarged their authority, as well as that of the anziani; and wiſhing to make the Piſtoians enjoy, quietly, ſome ſpecies of liberty, he gave them, by a diploma of the 26th of May, the faculty of living and governing themſelves, according to their laws and laudable cuſtoms, in a free, popular ſtate, under the regency of the anziani and the gonfaloniers of juſtice, declaring both the anziani and the gonfaloniers, for the affairs of Piſtoia and its dominion, his vicars, and vicars of the empire, for the whole term of his own life. "The anziani," ſays the diploma, "and the gonfalonier of juſtice of the people, and commons of Piſtoia, who now are, and for the time to come ſhall be, in office, and no others, we conſtitute our general and irrevocable vicars, for the whole term of our life, with the full adminiſtration in the city, country, and diſtrict

diſtrict of Piſtoia, and in all its lands, caſtles, and places." Piſtoia maintained itſelf in this ſtate of a republic as long as Charles the Fourth lived; and, taking advantage of the diſtance and negligence of his ſucceſſors, they perſevered in the ſame government until the year 1401, when the emperor Robert, by his charter, declared the gonfalonier and priors of the arts of the city of Florence his vicars, and vicars of the empire, and gave them the government of Arezzo, Volterra, Piſtoia, and the other places of Tuſcany. But in the interval between theſe periods, the Piſtoians were never quiet; for governing themſelves in what they called a free popular ſtate, they were for reducing all to a level, and thought, or pretended, to make all the citizens enjoy equally the public honours and offices of their city. In this ſtate of things, the rebellion of Sambuca was fomented by ſome of the citizens of Piſtoia, at the head of whom was Riccardo Cancellieri, who had made himſelf maſter of ſeveral caſtles in the mountains; from whence he made inroads on the whole territory of Piſtoia, and kept the inhabitants in continual alarms, with the deſign of delivering his country into the hands of John Galeazzo Viſconti, duke of Milan. Upon this occaſion the imperial vicars in Florence ſent, for the protection of Piſtoia, two thouſand infantry, ſome cavalry, and three commiſſaries, who calling together the general council, impoſed upon the counſellors the neceſſity of doing whatever was required of them, that they might not incur ſtill greater miſeries. In the firſt place, they required that every reſolution and ſtatute of liberty, and every condition, article, and confederation, which the city had, ſhould be annulled; and then, by another reſolution, that they ſhould ſubject themſelves to the people of

Florence, with liberal authority to govern Piſtoia at their diſcretion. This propoſition of the Florentines was ill reliſhed by the Piſtoians; and while the council was debating on it, the ſoldiery took poſſeſſion of the piazza and palace of the anziani; and having underſtood that no reſolution had paſſed, they began, with drawn ſwords in their hands, to cry, "Florence for ever!" (Viva Firenze!) and to threaten the counſellors, who, thus intimidated, by an ample reſolution ſuddenly ſurrendered the liberty of their city to the Florentines, from that day, the 10th of September 1401, to the calends of January 1402, to the end that they might apply a ſummary remedy to the evils with which they were agitated and oppreſſed, as ſay the books of reformations in Florence: and then were painted the lions, the enſigns of Florence, upon the palace of the ſyndick of the city of Piſtoia. It was not long before theſe imperial vicars, availing themſelves of the authority given them by the emperor, and of that given them by the Piſtoians themſelves, ſent to Piſtoia four commiſſaries to reform the public offices; who, deſirous, as they ſaid, of diſcovering the inclinations of their principals to raiſe the dignity of the city of Piſtoia, propoſed that the forms and orders of the city of Florence ſhould, as much as poſſible, be imitated; and that the twelve buonhomini ſhould be called the Twelve of the College; and that the ſupreme magiſtracy of the anziani ſhould be no longer denominated the Anziani of the People, but the Priors of the People; and, not making any innovation in the gonfalonier of juſtice, that he ſhould retain the ſame name. The prior of the anziani was to be called Provoſt or Preſident of the Priori, according to the words of the reform, "And the priors ſhall have among themſelves

themſelves one preſident continually, who ſhall continue three days in this manner. After the oaths of office ſhall be taken, they ſhall cauſe nine votes, with their names, to be put into a purſe by a notary, one of which ſhall be drawn out for a preſident, and ſo ſucceſſively during the term of their office."

The Florentines having thus limited and reſtrained the privileges of the Piſtoians, or made the election of the anziani, and given them the name of priors, they made eight purſes, in the proportion of two for each gate, and regulated themſelves according to the plan in 1376; in which year, to take away the ſcandalous names of the two factions of Bianchi and Neri, Whites and Blacks, were inſtituted two companies, one called the Company of St. John, and the other St. Paul, and one prior was drawn for the gate of one company, and another for the other; and the gonfalonier of juſtice was drawn, at one time from the company of St. John, and at another from that of St. Paul. This manner of drawing the magiſtracy of the priori was changed in 1417, when the priori began to be drawn from two purſes, the firſt and the ſecond.

In 1417 the Piſtoians, conſidering that in ſo great a change of affairs they ought to make ſome advancement of the dignity of the gonfalonier of juſtice, ordained that the firſt place in rank ſhould no longer be held by the preſident and rector of the city, but by the gonfalonier. Thus ſays the law, "That the gonfalonier of juſtice ſhall always hold the more dignified place, and after him the preſident: and in like manner, in going out, with the rector and other officers of the city of Piſtoia." This law was ratified by the law of 1437; and from this it followed, that in 1463 they began to make

make for the preſident, who was to continue and reſide in that office, a purſe by itſelf, as it was determined by the other officers, in 1471, that from that purſe ſhould be drawn two, and the oldeſt man of them ſhould be the firſt to occupy the preſident's place, unleſs the younger were a doctor of laws: and this was called the purſe of the preſident, the firſt of whom had the faculty of ſpeaking and anſwering firſt in all congreſſes; which faculty however ceaſed, in the firſt preſident, in the year 1492, when it was determined, that the right of ſitting and ſpeaking firſt ſhould, in all occurrences, be enioyed by the gonfalonier of juſtice: and thus this office of gonfalonier of juſtice, riſing continually in dignity, began by little and little to be deſired by the nobles, and, by common conſent and a public decree, to be confined to the nobles alone. The ſupreme magiſtracy of the priori becoming a little civilized, it grew into a cuſtom, that the purſe of the preſident was conſidered as the firſt after that of the gonfalonier of juſtice, and that which was the firſt of the priors became the ſecond; but, becauſe from this were drawn four ſubjects, it was called the Purſe of Four; and the other, which was called the Second of the Priori, became the third, and was called, from this time the Common Purſe, in which all citizens qualified for offices ought to remain, at leaſt for the period of one reform, although by his condition of birth, merit, and age, he was qualified for a purſe of higher rank. When afterwards it was eſtabliſhed, that the deſcendants of men of rank and diſtinction, by the male line, ſhould no longer begin to enjoy the priori by that purſe, but by that of four, the ſame was called no longer the Common Purſe, but the Third; whence, by virtue of this new order of magiſtrature, we read, in

1475,

1475, of one gonfalonier of juſtice, two preſidents, four of the firſt, and two of the ſecond purſe, and one notary, with the preference to the gonfalonier of ſitting firſt, given him by the law of 1474, which ſays, "The gonfalonier ſhall obtain the firſt and moſt dignified place."

By the few memorials that remain in the archives of Piſtoia it appears, that there have been many and various councils of citizens, for the regulation of the public affairs of the city, in which councils reſided the ſupreme authority of government; and before the conſtruction of the public palace, all theſe councils were aſſembled in a church, at the election of the head of the ſupreme magiſtracy of the anziani. The council of the people, from the year in which the anziani were inſtituted, had, until 1477, the preference to make the reforms of the magiſtrates and public officers of the city; in which year it was ordained, that ſuch reforms ſhould be made by thoſe who had been drawn gonfaloniers of juſtice, and workmen of St. James. Theſe reformers began to be called men of rank (graduati) for being arrived at the firſt degrees and honours of the city, which at that time were the offices of gonfalonier of juſtice, and that of a labourer of St. James; and, for the firſt time, they are found thus named in the reform of 1483: and afterwards it was eſtabliſhed by law, that two of a family ſhould intervene, to make the reform of public offices, and that the number of thirty-three ſhould be ſufficient to make the reform with validity. And this order of the graduati, or men of diſtinction, is that by which, at this day, is moſt clearly diſtinguiſhed the nobility of the city of Piſtoia.—In the year 1521, the number of the graduati deſtined to make the reform of the public officers failing, there were

elected

elected certain citizens, of the other noble and popular families, and the name of Arruoti; and it was eſtabliſhed as the duty of theſe to intervene in making the reform; and this laſted till 1580.

In the times of the conſuls we read, that there was a counſel of an hundred citizens, who were choſen by four men of good fame, twenty-five for each of the four gates of the city: without this counſel, neither the conſuls nor the podeſta could determine any thing; and when there aroſe a queſtion of peace, war, or taxes, beſides the council of an hundred, all the rectors of the chapels and arts intervened; and as upon theſe occaſions the conſuls, podeſta, counſellors of the hundred, and rectors of chapels and arts, all met in one aſſembly, and determined all things by a majority of vote, which, as has been before obſerved, made it a government in one centre (an ariſtocracy in reality, though a popular ſtate in name) and conſequently ſome two or three families muſt always be at the head of it, and conſtantly contending for the ſuperiority, kept the people in perpetual contention.

There was another council, as appears by the records, formed of fourteen citizens, and of all the doctors and advocates, which was deſtined to counſel the podeſta; as he himſelf, after having made his election of them, was obliged to govern by their advice: ſuch was his oath; "And I will ſubmit to my counſellors, through the whole time of my dominion, in things which ſhall appear to me to regard the common honour and utility of our city of Piſtoia." As neither the podeſta nor this council had any negative on the legiſlative council of an hundred, but, ſince the podeſta had the choice of its members, was no doubt compoſed of his friends in the counſel of

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an hundred, it is plain that the ſame perſons and families muſt have the chief influence and direction of affairs in both; ſo that this executive council had the ſame centre with the legiſlative council.

It is further found, that in the firſt times of the government of the twelve anziani, viz. in 1267, there were two councils, one of forty counſellors of the captain of the people and of the anziani, who ought to be of an age above forty years, and their office continued ſix months; and they reſolved upon all propoſitions which by the captain of the people and the anziani were propoſed to them, provided they were not contrary to the laws and the reform of the commons and people. The other council was called the Council of Two Hundred Counſellors of the People; and in the aſſemblies of this council intervened all the aforeſaid forty, and, moreover, all the captains, gonfaloniers, and counſellors of the companies of the people, and all the rectors and counſellors of the arts, and all thoſe who had been anziani. The fabric of this government, and its ſpirit, was the ſame with the former, only the name of captain of the people was ſubſtituted for that of podeſta, and a council of forty was ſubſtituted to that of fourteen, and a council of two hundred to that of one. The alteration therefore was not at all for the better.

After 1330 there was one council, called the General Council; this was formed of an hundred citizens, viz. fifty popular men, and fifty grandees (magnati.) In this council intervened all the members of the council of the people, all the chevaliers, all the doctors of law, and all the phyſicians of Piſtoia, matriculated in the college of phyſicians. But this council had of itſelf no authority,

thority, and could do nothing without the council of the people. In like manner, after the ſame year 1330, the principal council of Piſtoia was that of the people, in which intervened all the anziani, gonfaloniers of juſtice, and their notaries, and two hundred popular citizens; and none of the grandees could be of this council. They were elected fifty for each gate. The authority of this council was ſupreme and ſovereign, to make and repeal laws, impoſe and take off taxes, &c. In more ancient times, as appears by the rubriek 62, of the law of 1267, the council of the people had conſiſted of ſix hundred citizens; but becauſe ſuch a multitude generated confuſion, it was reduced to two hundred in 1270.

But the government of longeſt duration in Piſtoia was that of the eight priors of the people, and one gonfalonier of juſtice; and this body was called the Supreme Magiſtracy of the City, and was renewed every two months, from the four purſes, in the palace of its reſidence. When they proceeded to draw theſe magiſtrates, with ſolemn pomp was raiſed up, from the treaſury of St. James, the box, within which were locked up, with four keys, all the votes of the magiſtrates of the city, and was carried in proceſſion, accompanied by the magiſtrates of all the colleges, with the trumpets ſounding, into the public palace; where, from the firſt purſe, was drawn the gonfalonier of juſtice, who was the head of this magiſtracy, and not only enjoyed the ſupreme dignity, and the preeminence in place, robes, habitation, and in all other reſpects, but anſwered in the name of the public: and although in public affairs he could not rule alone, there was always allowed him a right of freely entering when he would into the greater council, and into all other councils and colleges where any

any matters of importance were under deliberation, and there give his opinion, his reaſons, and his vote. This gonfalonier was a man of gravity from his age; and that he might be reſpectable in all points, it was required that he ſhould be of an ancient family* : and he who enjoyed this ſupreme poſt enjoyed a jewel, held in veneration by the people, and in great eſteem by the nobility. There were then drawn from the other purſe two ſubjects who were called preſidents; and theſe were ſometimes of a middle age, and ſometimes old men, and for the moſt part, after giving proofs of their wiſdom in this ſtation, they aſcended, either by means of their birth or their merit, to the rank of the gonfalonierate. From the other purſe, called the purſe of four, were ſucceſſively drawn four ſubjects of the prime nobility, or at leaſt of middling condition, who, for the moſt part, were in younger age; and from this purſe, ſome by their birth, and ſome by their merit and their age, paſſed up to the more dignified purſe of the preſidents, and ſometimes to the rank of graduati, or men of diſtinction. In the laſt place were drawn two perſons from the third purſe, in which were contained all the citizens who had not made any advancement in the other purſes, or had been of families worthy only of the purſe of four, and among theſe were found thoſe who exerciſed civil and liberal arts; and theſe did not diminiſh the dignity of the magiſtracy, but rather gave occaſion to maintain the union between the plebeians and the nobility; for with this conſolation, the former remained long quiet, without any inſurrection. This magiſtracy had in the ſervice of its miniſtry a chancellor, who was a notary public, and

* Si richiede lunga, e continovata chiarezza di ſangue.

was drawn from a purſe deſtined for that purpoſe. This magiſtracy began their offices on the morning of the firſt day of the month, in their ſenatorial robes. Each of the priors wore a robe of ſcarlet lined with red damaſk, vulgarly called a gown (lucco,) with a hat or bonnet lined with a cloth of black ſilk, with its ribbon and taſſel of black crape, and upon the left ſhoulder a large knot of crimſon ſatin, which was commonly called la becca; and the chancellor wore a gown of black cloth, lined with red cloth, without the knot upon the ſhoulder, but with a hat ſimilar to thoſe of the priori, whoſe duty it is to draw up and ſign the acts of this magiſtracy; but the gonfalonier of juſtice is clothed with a robe of red velvet, with a ſimilar ſhoulder-knot, and his head is covered with a boad hat, of a noble appearance, the name of which is tocco, a bonnet. This magiſtracy, thus clothed and ornamented, before the ſyndick of the old magiſtracy took the oaths of their offices, in the public view of the people, in the larger piazza, and under the ample covering of it, built in 1332 with the revenues of the exciſe, or gabelles, of the four quarters of the city; and, after having taken their oaths, they went in proceſſion, with the ſtandard of juſtice, to the chapel of St. James the apoſtle, protector of the city, and thence to the palace of their reſidence, which was ſpacious enough to receive, in the year 1536, the emperor Charles the Fifth, in all the forms of majeſty. None of the component members of that magiſtracy could go out privately; but only in ſome determined function was it permitted to the whole body of the magiſtracy to go out of their palace with ſolemn pomp. This magiſtracy reſided with their chancellor, night and day, in the palace, to the end that all public buſineſs might be

be diſpatched and attended to with the greater vigilance, for the good government of the city; and they drew from the commons a ſufficient appointment, both for the maintenance of their tables, and of ſix and twenty perſons deſtined to their ſervice, and for the honourable management of the furniture of their palace, the linen for their perſons and houſeholds, and of their plate, and all other things neceſſary for their uſe in the time of the government. This magiſtracy alſo entertained a chaplain, with a handſome ſalary. We may paſs over the tedious deſcription of feaſts and public proceſſions, and return to the former diſcourſe, and ſay, that the gonfalonier of juſtice was the head, not only of the ſupreme magiſtracy, but alſo of all other ſubaltern magiſtracies which were in the commonwealth, and without him there could not be convened any council of the citizens, to engage in any public deliberation. This magiſtrate, while the public reſidence continued, was attended, whenever he went out of the palace, by a retinue conſiſting of one perſon, who, with the title of fiſcal, reſided in Piſtoia, by one aſſeſſor verſed in the profeſſion of the law, by the captain of infantry, by two architects of the palace, by the ſteward of proviſions, by the chancellor del danno dato, by the maſter of the houſe, and by ſix and twenty ſervants: and in the performance of religious ceremonies, and in ſome of the principal aſſemblies, this magiſtrate had a retinue of magiſtrates and nobility, which gave him more ſplendour than a crown.

The magiſtrates, upon whom depended the right government of the city of Piſtoia, are, beſides thoſe already named, all theſe which follow: ſome determine upon public affairs, others preſide in judicature, others ſuperintend the common intereſts, others

others private; theſe watch over health, thoſe over plenty; ſome attend to the conſervation of the peace, and others to politics. Theſe magiſtrates are the twelve colleges; ſix for petitions; two for the works in the palace of the ſupreme magiſtrates; the two companions; the captain of infantry, who in ancient times was called by the name captain of the families of the anziani, and who, in primitive times, was called by the name of votalarche—the inſtitution of this office was moſt ancient; the ſix labourers of St. James, who, beſides other commiſſions, held that of proviſions, and are, excluſively of all other magiſtrates, lawgivers, judges, and overſeers of all the tranſgreſſions dependent upon matters of proviſions, and is the firſt magiſtracy of the nobles, becauſe he who is denominated a labourer of St. James enjoys the noble rank of the graduati, a dignity and charge of equal nobility, although of different function and command, with that of gonfalonier of juſtice, as this office confers the character and diſtinction of nobility both upon the perſon and the family. There are alſo the four officers of the pious and charitable houſe of wiſdom; the four workmen of the holy virgin of humility; the magiſtrates over the rivers and roads; the labourers of St. John and St. Zenone; the magiſtracy of buonhomini over the priſons; the miniſters of the mount of piety; the miniſters of ſalt; the miniſters of pledges depoſited; the approvers of the exciſes; the purveyors for the commons; the four over civil conteſts; the two over the reſtitutions of gabelles; the two over the public ſchools; the deputies ſuperintending the poor; the deputies for the aſſeſſment of taxes; the magiſtrates of abundance; the magiſtrates of health; the judges of controverſies relative to beaſts; the four peace makers; the miniſ-

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ters of the trumpet; the eight reformers; the miniſters of the commons; the miniſters of the cuſtom-houſe; the ſyndicks of the rectors; the deputies over the work-houſe of the poor; the priſon keepers; the college of judges; the notaries; the rectors of arts; the tribunal of damages done; the regiſters who aſſiſted in civil conteſts; the magiſtracy of three judges, who are foreigners: but at preſent, as the public revenues are farmed out, theſe are ſuſpended, and in their place the fiſcal of the city is introduced to decide the controverſies of the people, with the liberty of recurring to the grand ducal chamber at Florence, in caſes of appeals and denials of juſtice. The appeal from civil cauſes, determined by theſe magiſtrates, is ſometimes to the ſupreme magiſtracy of the priori and the gonfalonier of juſtice of the city, in the name of whom the public decrees are diſpatched, and under the impreſſion of his ſeal.

There is, moreover, a council general of the people, formed of ſixty citizens, and their office continues ſix months; into this council intervene the priors of the people, the gonfalonier of juſtice, the twelve colleges, and the ſix for petitions. This council holds the ſupreme authority of the city, and has juriſdiction over all the magiſtrates who trangreſs their offices, and has the faculty to treat and diſpatch the moſt important affairs of the ſtate of Piſtoia, to make and repeal laws, name ambaſſadors, diſpenſe offices, lay on and take off taxes, and to give all aſſiſtance to the other magiſtrates, who all have their peculiar incumbent duties; and each member may oppoſe a deciſion on any queſtion under deliberation, that it may be referred to another ſeſſion, to be approved or rejected on mature conſideration.

For the moſt weighty buſineſs of the govern-

ment,

ment, there is a council compoſed of the old and new council of the people, the priors of the people, the gonfalonier of juſtice, the twelve of the colleges, the ſix of petitions, all the graduati, the reſident officers of the pious houſe of wiſdom, and all the reſident gonfaloniers, and reſolve as to the majority appears moſt uſeful and advantageous for the public good, where all the moſt momentous affairs and cauſes moſt intereſting to the public are digeſted.

There is alſo a council of graduati, which had its beginning in 1483, and is compoſed of two perſons for each family, of thoſe perſons, however, who actually enjoy the dignity of the graduati, which is the firſt of the honours of the city; and three and thirty members are ſufficient to form a valid council, to which it belongs to promote perſons and families to the citizenſhip of Piſtoia, and to public offices and honours. Every five years this council, together with the gonfalonier of juſtice, and the eight reformers, put to a ſecret vote all the perſons who enjoy the citizenſhip of Piſtoia, and reward or condemn them as juſtice requires. They renew the imborſations of public offices and honours, and give or take away from all as they pleaſe; examining well the ranks of the citizens, the nobility, antiquity, merits and demerits of all perſons and families, over whom they keep a watchful eye, in order to prevent all occaſion of confuſion, diſorder, and diſturbance, which might happen through the diſcordant pretenſions of the citizens; and thus guarded and eſtabliſhed, they come from time to time to the diſtribution of thoſe offices for which there is occaſion.

Piſtoia has alſo its dipenſer of laws (giuſdicente), the duty of whom is to procure the peace and tranquillity of the citizens, and to diſtribute juſtice,

juſtice, both according to the municipal laws, and conformably to the will of the ſovereign; and from ancient times his poſt was occupied by the podeſta, introduced by the emperors into all the cities of Italy; and becauſe that, in the league that was called the confederation of Tuſcany, concluded in 1197 between many places and cities of that province, for their common defence againſt the rights, or at leaſt claims, of the emperor, to dilate the limits of their liberty, Piſtoia had her place, and elected, according to the tenor of the aſſociation, her head, with the title of captain, to whom were confided, as the law required, all their affairs and pretenſions, therefore, in 1200, it is ſaid that Piſtoia had for her captain one by the name of Gualdaccio; from which year, until 1529, there was always elected by the Piſtoians, and by thoſe who had the government of Piſtoia, a rector, together with the podeſta, for the good direction of the affairs of that city. It happened afterwards, that in the great tumults between the factions of the Panchiatica and the Cancelliera, there were elected by the Florentines thirteen commiſſaries, to eſtabliſh the peace between thoſe factions; and they annulled, among the multitude of things which they did in 1502, the office of captain, and created that of commiſſary; and thus in ſome years he was called commiſſary, and in others captain commiſſary, and in others they returned to the old name of captain. In 1529 the Piſtoians, finding themſelves in great difficulties, doubtful whether they ſhould be able to govern themſelves, and dreading the devaſtations of the army of the emperor Charles the Fifth, which was near their confines, ſent ambaſſadors to Bologna, to ſupplicate Clement the Seventh, who was then in that city, that he would condeſcend to defend their city from the imminent danger,

danger, and take it under his protection, and delivered him the keys of it; which the pontiff, in his own name, and in the name of the emperor, who fought for the obedience of the Florentines and the other cities of Tuſcany, having with great alacrity accepted, he ſent ſuddenly, for the government and cuſtody of Piſtoia, Alexander di Gerardo Corſini, with the title of commiſſary; and therefore it followed that no podeſta or captain was elected afterwards, excepting for three years, but one magiſtrate alone, with the title of commiſſary general, as was ever after the cuſtom.

The emperor Charles the Fifth having, in 1530, reduced by force the Florentines, and their confederates, to ſubmiſſion to the empire, and reſtored in Florence the houſe of Medici, who had been baniſhed by their fellow-citizens, conſigned to them the government and dominion of Tuſcany. Piſtoia did not heſitate a moment from its obedience to the new regent of the province, by which ready ſubmiſſion they obtained from him the faculty of continuing to govern themſelves according to their own laws and laudable cuſtoms; and they continued to receive, in place of a podeſta and captain, a commiſſary general for their defender and governor; for all the time that the government of the houſe of Medici laſted, to maintain the government in ſuitable dignity, it was their cuſtom always to confer it on ſome ſenator of Florence.

The government of the houſe of Medici terminating in the year 1737, by the failure of the ſucceſſion, it was conferred, by the emperor Charles the Sixth, on Francis, the third duke of Lorraine and Bar. This new lord of Tuſcany, purſuing the ſame ſyſtem of government of the houſe of Medici, has continued to furniſh the city of Piſtoia with

with a commiſſary general, if not a ſenator, at leaſt reſpectable for his nobility, who, regulating the government by the laws of the city, has always enabled it to enjoy a perfect tranquillity.

Francis, the ſecond grand duke of Tuſcany, in 1749, conceiving a good opinion of Piſtoia, as a city of merit, and in all things reſpectable, wiſhing to raiſe its dignity and honour, as he pretended, annulled the office of commiſſary general, and confided the government to a miniſter, with the title of governor*.

In a city, where every intereſt ſeemed to be guarded by particular magiſtrates, where ſo many changes were made in their form of government, in order to find one which would pleaſe and ſatisfy the people, one might expect to find happineſs, if it were poſſible that it ſhould exiſt where legiſlative and executive powers were confounded together in one aſſembly. But if we go over again the ſeveral periods of the hiſtory of Piſtoia, we ſhall find that ſimilar cauſes had the ſame effects.

At the end of the eleventh and beginning of the twelfth century, civil diſcords in Piſtoia generated much miſery; and many families fearing that they ſhould have ſtill greater evils to ſuffer, determined to abandon their country; and, as a leſſon to their mad and cruel fellow-citizens whom they left behind them, they cauſed an inſcription to be engraved on the gates, "Habbi pazienzia" (have patience), a motto that ought to be written over the door, and engraven on the heart, of every citizen in ſuch a government, and went to inhabit other countries.

Italy beginning, in 1112, to be infected with the contagious diſeaſe of the factions of the Guelphs

* Fioravanti, p. 38.

and Ghibellines, deſtructive inſurrections and tumults were raiſed in Piſtoia; and the citizens, infected with a ſpirit of cruelty againſt each other, without fear of human or divine chaſtiſement, attended to nothing but party quarrels, and mutual ſlaughter and murder: and theſe conteſts involved the city in continual wars, foreign and domeſtic, till the year 1235, when the podeſta, a wiſe man and a nobleman of high rank, exerted all his prudence, vigilance, and ſolicitude, to repreſs and compoſe the tumults of the nobles and popular party, who, on account of the government, were grown unuſually fierce and inſolent; but not being able to reconcile differences ſo inveterate, nor prevent the cruelties which both parties, regardleſs of his menaces and puniſhments, daily committed, the city was thought to be in evident danger of total deſolation. As ſome of the citizens had given aſſiſtance to the Conte Guido de Conti Guidi, who was become odious to other citizens as the fautor of Ghibellines, tumults were increaſed and multiplied, till the city was at length divided into two, came to a fierce battle, and, as one party would not mix with or depend upon the other, each one elected its podeſta and conſuls, as if they had been two ſeparate cities and independent governments; and a war was maintained between them for years with ſuch fury, as ſet all laws, human and divine, at defiance, till, exhauſted and humbled on both ſides, they were forced to have recourſe to Rubaconte, podeſta of Florence, under whoſe mediation a peace between them was concluded, with a detail of articles, to the performance of which Florence became warrantee. In conſequence of this mediation and peace, Piſtoia returned for a ſhort time, to her flouriſhing condition; ſo that not only the greater powers admired

mired her felicity, but the moſt formidable of the other cities ſtood in awe of her. But, oh miſerable viciſſitudes of ill conſtituted governments * ! to the confuſion of the citizens of Piſtoia, the other cities, by ſome intervals of peace and union, grew more powerful, and Piſtoia alone, by the continuance of quarrels, factions, and civil wars, was meanly reduced in command, honour, and fortune. It was not long before the old diſputes reviſed, and continued till 1251, when the pope was obliged to interpoſe, and negociate a new peace between the parties in Piſtoia. But this peace could not be effected till long wars, a great deſtruction of lives, and a general deſolation of the lands and cities, by the various leagues and alternate confiſcations of the rich and the poor, the nobles and commons, Guelphs and Ghibellines, had fatigued and exhauſted all parties.

In 1260 the Ghibellines of Piſtoia, Florence, Volterra and Prato, could no longer bear the inſolence and impertinence of the contrary faction; they therefore formed an union with their friends in the other cities, raiſed armies, and renewed the wars; and, after many ſharp conflicts, and at length the ſanguinary battle of Montaperto, they turned the tide of fortune and the torrent of popular paſſions in their favour, till all Tuſcany became Ghibelline, excepting Lucca and the Florentine exiles. At the inſtigation of the Conte Novello, vicar of the king Manfred, Piſtoia, Florence, Siena, Piſa, Volterra, Samminiato, Colle, Prato, and Poggibonſi, raiſed a ſtanding army to make war upon Lucca, becauſe this city was the aſylum of their fugitives. This army was maintained only by the impoſition of univerſal and very heavy

* Ma oh miſere vicende del mondo ! Fioravanti, p. 219.

taxes,

taxes, did infinite damage in the country, and at laſt, in 1267, obtained a peace between Piſtoia and Lucca, upon conditions, one of which was, that each city ſhould pardon the other all the injuries, moleſtations, diſcords, offences, damages, rapines, homicides, devaſtations, and conflagrations, that had been committed.

In 1268 the Guelphs in Piſtoia were much diſpleaſed that the heads of the Ghibellines, baniſhed and driven out from their city, ſhould, under Aſtancollo Panciatichi, have fortified themſelves at Lucciano, a caſtle under the eyes of Piſtoia; therefore they ordered Cialdo Cancellieri, their podeſta, to go out with an armed force and diſlodge them. Panciatichi, having penetrated the deſigns of the Guelphs in Piſtoia, fearing that he could not reſiſt the aſſault of his enemies, becauſe he was inferior in force, and without hopes of ſuccour, abandoned the poſt, and went to Piſa, where he united himſelf with his confederates: ſo that Cancellieri, finding the caſtle empty of inhabitants, plundered and demoliſhed it, and cauſed the Panciatichi to be baniſhed as the heads of that faction, whoſe eſtates were all confiſcated.

The partialities of the citizens of Piſtoia having, in 1270, in ſome meaſure ſubſided, by means of the government of the Univerſal Pacificators of Tuſcany, they ſet about a reformation of their magiſtrates; and conſidering that a multitude always generated confuſion, they reduced to two hundred their general council, which had been compoſed before of ſix hundred members, and created many new magiſtracies and juriſdictions, in order to bring into order the affairs of their government*. But in 1284 there aroſe again moſt grievous diſ-

* Fioravanti, p. 230.

orders,

orders, by reaſon of the ill adminiſtration of juſtice; and the general council elected the wiſeſt citizens, to make another reformation and new laws, and to bring about a reconciliation among the principal citizens who diſturbed the public tranquillity. But all their regulations were ineffectual; for in the next year, 1285, freſh diſturbances were perceived in the city of Piſtoia, occaſioned by certain families, who by means of copious wealth, and the adherence of numerous friends, followers, and relations, aſpired, at their diſcretion, to govern the city: but as the wiſeſt men exerted themſelves, that their public affairs ſhould depend only on law and juſtice, not upon the paſſions and caprice of individuals, they called together the general council. Theſe endeavoured to render thoſe families odious and unpopular, as well as the title by which they were diſtinguiſhed; and to this end ordered, that thoſe families ſhould be declared "grandees" (magnati,) who by their influence and power diſturbed the public tranquillity: and to be declared a grandee became equivalent to being declared a ſeditious perſon, an arrogant, an impertinent, and ſeparated from the government of the commons of the city.

The dominant party ruled ſo arbitrarily the Guelphs, committed ſo many robberies upon them, and burnt and deſtroyed ſo much of their property, that theſe became deſperate, and the exiles from many cities raiſed an army, which obliged the Piſtoians, and the governors of other cities, to raiſe another to oppoſe it, at an expence of an univerſal impoſition of taxes upon all the neceſſaries of life. The two armies met in the plain of Campaldino, and a memorable victory was gained by the Guelphs; and fire and ſword were again ſcattered wide in conſequence of this.

In

In 1290 another fierce tumult aroſe in Piſtoia, between the moſt illuſtrious families, occaſioned by a ſtroke of a ſword, given by Mone Sinibaldi, upon the face of Gio. Vergioleſi. Upon this ſignal there was a general inſurrection; and it coſt all the art and reſolution of the government, to do juſtice, to prevent another general battle; for civil diſcords were beyond meaſure increaſed, and the people, without any bridle, were in the utmoſt danger of deſolating the city, and leaving it empty of inhabitants. The exiles in the mean time took their ſtations among the mountains, where they fortified themſelves, and made incurſions from time to time, robbing, plundering, burning, and murdering, without controul.

Another inſurrection, in 1296, came very near to accompliſh the final ruin of Piſtoia; it ended in a bloody battle, in which many perſons loſt their lives, and the parties remained as inveterate and cruel after as they had been before it. Inſurrections and tumults continued ſo frequent, that the biſhop fled for fear, the merchants could do no buſineſs, and revolutions, inſolence, robberies, aſſaſſinations, daily happened*; and ſuch diffidence and diſtruſt was fixed in the minds of all men, that all lived in continual fear and ſuſpicion. Theſe apprehenſions were carried to ſuch a length, that each one ſhut himſelf up in his houſe, with the friends he could collect, where he fortified himſelf; and thoſe who had not towers to their habitations erected them†. Sixty towers were erected in this ſingle city, ſome of which ſtill remain ele-

* Le rivoluzioni, le inſolenze, le rubberie, li aſſaſſinamenti, che giornalmente accadevano, &c. Fioravanti, p. 243.

† Fioravanti, p. 244.

vated

vated on the roofs of the houſes, ſome are now covered with roofs, others ſince included in the buildings as they have been enlarged, and others from time to time, have been ruined and deſtroyed in the ſubſequent wars. It is to be noted, that, by law or by cuſtom, towers might not be erected but by the nobility, and theſe had their meaſure; ſo that, to avoid envy, they could not exceed a limited height. But at this time the inſurrections of the citizens and of the people of the caſtles in the high lands increaſing, ſeditious and perverſe people were found every where, which gave occaſion and motives to all the citizens to think of their houſes; and they began, through the whole ſtate, to proceed to exemplary puniſhments, without regard to the age, condition, or ſex of the perſons, and thus, in a ſhort time, to ſo many evils and tumults: and beſides the quiet that reſulted to the city, the ſtimulus had an effect on the caſtles in the mountains, viz. Cavinano, Lizzano, Popillio, Piteglio, St. Marcello, Mammiano, and others, to make that univerſal peace which is mentioned in the archives of the city.

But the diſorder was not confined to the common citizens in town or country, it originated in the diviſions among the men of birth, fortune, and abilities, in the government; and conteſts for ſuperiority among the anziani themſelves, in 1298, aroſe to ſuch a degree, that from argument, intrigue, and oratory, they proceeded to blows, and, after a rude encounter, the weaker party fled to the public archives, and ſhut and ſecured the door in the faces of their purſuers: thoſe without, finding it impoſſible to purſue the affray, determined to take their vengeance by fire; accordingly, ſetting fire to the archives, thoſe within remained, together with all the papers, files, and records, a prey

and

and a triumph to devouring flames. This terrible event, as may well be believed, produced ſtill greater tumults and confuſions, which were terminated at laſt by a calamity of another kind, more terrible, if not more deſtructive, a continuance of earthquakes for eight days together, which ſhook down houſes and towers more effectually than the inhabitants were able to do. This event, which was believed by ſome to be a judgment of Heaven for the animoſities of the citizens, it was hoped would promote peace and benevolence among them; but they ſoon revived, with more wickedneſs than ever, their ancient diſſenſions. The family of Cancellieri, at this time having moſt influence, both by the riches they poſſeſſed, and by their great numbers, amounting to an hundred men in arms, as brave as they were haughty, were become formidable to all the other families in Piſtoia, to ſuch a degree that all, both in the city and country ſtood in fear of them. It happened that Carlino di Gualfredi, and Dore, or Amadore, the ſon of William Cancellieri, being together in a cellar, where they had drank too freely, fell into a ſquabble, in which Dore was beaten, and inſulted with outrageous language, which offended him ſo highly that he meditated a cruel revenge. Going out of the wine cellar in this temper of mind, Dore went, late as it was at night, and laid himſelf down in a corner of the ſtreet by which Carlino was uſed to paſs, and there happening to ſee Vanni, the brother of Carlino, on horſeback, without thinking of his innocence, gaſhed him in the face by a blow with a target, and by another ſtroke cut off part of his left hand. In this deplorable condition Vanni was carried to his father, who, ſeeing his ſon ſo barbarouſly treated, was ſo inflamed with reſentment, that, diſregarding

ing all laws divine and human, he began to meditate his revenge. At this moment the extravagance of his ſon was reported to William, and affected him with ſuch grief and diſguſt, that he thought of averting any unfortunate conſequences by an act of ſubmiſſion; and he ſends his guilty ſon to the father and brothers of the man he had injured, to aſk their pardon in his own name and in that of his afflicted father. But all in vain; for ſcarcely had Gualfredi caſt his eyes on Dore, when he ſeized him, and, without regard to the goodneſs of his father, cut off one of his hands upon a horſe manger, and gaſhed him in the face, in the ſame manner as he had done to Vanni his ſon. By this atrocious deed, done in cool blood and a ſober hour, the father and brothers of Dore were ſo exaſperated, that in order to obtain ſome ſignal revenge, they united the force of their friends and relations, filled the city with brawls, diſcords, and murder, and divided not only the family of Cancellieri, but the whole city, into two parties. The Cancellieri were at that time very numerous, very rich, and in near degrees of blood related and allied; ſome of them were derived from the lady Nera, and others from the lady Bianca, both of them wives of M. Cancelliero, the firſt author of the ſurname of this family; but now, no longer regarding their conſanguinity, they became ſo perverſe as to attend to nothing but the deſtruction of each other; and reviving the memory of the ladies, from whom the anceſtors of Carlino and Dore had their original, the followers of Carlino took the name of Bianchi, and the followers of Dore that of Neri; and the people being already infected with diabolical paſſions, the Ghibellines took the part of the Bianchi, and the Guelphs that of the Neri: and from this time the two factions

of the city began to be called Bianchi and Neri, and frequent bloody battles were fought in the city between them.

* The whole people in the city and country became divided into Bianchi and Neri, and the mutual ſlaughters of men, and burnings of houſes, came very near to ruin the country. There was not a perſon who was not obliged to aſſume one of theſe names, and ſide with one of the parties. Recourſe at laſt was had to Florence, to aſſiſt the magiſtrates in controuling theſe parties; and the heads of the parties were baniſhed, all except Bertacca, far advanced in age, and one of the knights of St. Mary, an order which had been inſtituted by Urban the Fourth to pacify the factions. It was confined to the nobility, inveſted with white robes with a red croſs, and two red ſtars in a white field; but, with all its pomp and ſanctity, had very little influence to correct the errors of an imperfect government. The Caucellieri took refuge in Florence, thoſe of the Neri in the houſe of the Donati, and thoſe of the Bianchi in that of the Cerchi; and infected Florence at laſt to ſuch a degree, that thoſe party diſtinctions became as common and as michievous in that city as in Piſtoia. At this time the Tuſkans, holding themſelves free from all ſubjection to the empire, and regulating all things according to the caprice of parties unbalanced in their governments, the peſtiferous venom ſpreading wider every day in the minds of the people, the two factions aiming at nothing leſs than each others total deſtruction, had for their object the ambitious deſire of do-

* Vid. Ferreti Vicentino, lib. ii. apud Muratori, tom. ix.—Rerum Italicarum Scriptores, Muratori Annal. tom. viii. p. 2, 3.—Coſi le maledette Sette, ſi andavano dilatando per tutta la Toſcana.

mineering

mineering without controul. With this maxim, which is characteriſtic of the ſeditious, theſe factions joined in the city of Florence to trample on the laws; and the party Bianchi ſucceeded to drive out by force the party Neri, and aſſumed the dominion of the city.

But before the end of the year, another revolution was effected both in Florence and Piſtoia; and the houſes of many of the principal people levelled with the ground. The Florentines, among whom the party Neri governed, in 1302, ſuſpecting that the Bianchi, now baniſhed from their city, would, with the aſſiſtance of the Bianchi who ruled in Paſtoia, raiſe again with new force, entered into a combination with Lucca for the total deſtruction of Piſtoia; and a war ſucceeded, which laſted many years, and extended to all the cities of Tuſcany, introducing the diſtinctions of Neri and Bianchi, and ſeveral revolutions, in all of them. But the war againſt Piſtoia was maintained by Florence and Lucca in concert, till Piſtoia was taken, its country divided, and its people perſecuted and oppreſſed, when, finally, they refuſed to receive a podeſta from Lucca and Florence. This occaſioned another army to be ſent againſt them. The Piſtoians then called in the mediation of Siena; by whoſe deciſion it was ordained, that the podeſta and captain of the people for Piſtoia ſhould not be choſen by the Luccheſe and Florentines, but by the Piſtoians themſelves, provided that the election ſhould always fall upon ſome citizen of Florence or Lucca. This award was ſupported by the Tedici, Ricciardi, Roſſi, Lazzari, and Sinibaldi, and others their followers, againſt the will of the Taviani, Ughi, and Cancellieri, and their adherents both among the grandees and popular citizens. This difference of opinion occaſioned

ſioned quarrels and diſſentions. The three families could not bear that the five families ſhould *lord it over the city; each of theſe parties therefore, ſtriving to drive out the other, without regarding the expence or inconvenience, aſſembled their friends and forces, marched through the country, laid waſte, combated, and aſſaſſinated, in defiance of all government. But in the end, the Taviani having fallen into an ambuſcade in the midſt of their enemies, near a river, ſome were killed, others made priſoners, and the reſt diſperſed as fugitives; and their fortreſs delle Piere di Montecuccoli, now called Valdibura, and the church of St. Simon, where they had been uſed to retreat, were ſacked and burnt.

In 1316, the Piſtoians conceived a jealouſy of the proſperous fortune of Uguccione, not only on account of a ſignal victory he had obtained againſt the Guelphs, but becauſe he had been made lord of Piſa and Lucca, and had it in contemplation to reduce Piſtoia to his power. But diſſimulating their fears, and to make him friendly and benevolent to their city, the Piſtoians choſe him for their podeſta. Coming to Piſtoia, he reſtored the Cancellieri, the Taviani, the Ughi, and Sinibaldi.

In 1317, the Piſtoians, by reaſon of the turbulence in Tuſcany, put themſelves under the protection of Robert king of Naples. Caſtruccio Antelminelli, captain general of the wars of the Luccheſe, having conducted to a happy iſſue many enterprizes for that community, thought of reducing to its dominion the city of Piſtoia, by the means of its Bianchi exiles: but, after many ſkirmiſhes and mutual ravages of each others terri-

* Signoreggiaſſero la citta.

tory,

tory, a battle fought between him and Giulione, who commanded the Piſtoian forces againſt him, in which a deciſive victory was obtained by the latter, produced a treaty of peace between them, one article of which was, that the exiles ſhould be reſtored; the Neri conſenting to this rather than riſk a renewal of the war.

In 1321, Uberto Cancellieri executed the office of podeſta in the city of Padua, to the greateſt ſatisfaction of that people. And the ſame year, Gio. Panciatichi gave clear proofs of fidelity and courage in the office of commiſſary of Romagna, under Clement the Fifth and the people of Florence.

From 1321 to 1330, the hiſtory of this republic is filled with wars, ſeditions, and intrigues, all ſet on foot by the different contending parties, in order to elevate ſome individual, a favourite, or a tool of their own, for the ſovereign of the ſtate. The ſimple heads of the ſtory muſt ſuffice.—Caſtruccio commences a deſtructive war upon the frontiers, to obtain the ſovereignty of Piſtoia for himſelf. Pittecciani betrays many caſtles into his hands to favour his deſigns, being probably inclined to that party; Pittecciani, however, is beheaded for treaſon by the Piſtoians. Amidſt theſe calamities, Ormanno Tedici, conceives the deſign of making himſelf the ſovereign of Piſtoia. The want of rain for eight months, and the devaſtations of war, had occaſioned a famine in Piſa, Lucca, and Piſtoia. Upon this occaſion Tedici, and Vanni Lazzari, both rich and powerful, as well as proud and ambitious men, and conſequently jealous of each other as rivals, appear upon the ſtage: their intrigues are full of all that duplicity and hypocriſy, which is univerſal on ſuch occaſions*. Tedici

* Fioravanti, lib. xix.

perſuades

perſuades the Piſtoians to a truce with Caſtruccio, and ſeizes the piazza and palace of the anziani with his partizans; is made lord of Piſtoia, and reforms the magiſtrates of the city, and concludes the truce with Caſtrucco, much againſt the will of the other party. Having gone through all the ceremonies of a revolution, that is to ſay, reverſed every thing, recalled exiles, &c. and governed the city fourteen months, his nephew, Philip di Fortebraccio Tedici, a youth full of ambition, conſpired to take away the ſovereignty from his uncle, and aſſume it to himſelf. To this end he began by correſponding with the Guelphs in exile, and by infuſing into them a belief that his uncle entertained a ſecret correſpondence with Caſtruccio, to deliver Piſtoia into his hands. The nephew, by other artificial diſcourſes and ſimulated manners, exerted himſelf with the Guelphs to depoſe his uncle, and reſtore all the baniſhed and ſcattered members of the Guelph party. His fictions were credited, the reſolution was taken with alacrity, they united themſelves with the impoſtor, and, the better to obtain their deſires, communicated their intentions to Neruccio Conte de Sarteano, a Guelph gentleman of prudence and ſagacity, and requeſted his counſel and aſſiſtance; who, deceived by the relation of facts, ſo well invented and coloured by Philip, acknowledged, that if remedy was not immediately provided, Piſtoia would fall into the hands of Caſtruccio; and offered them his cavalry, and promiſed to exert all his force to obtain the ends they deſired. The uncle diſcovering the conſpiracy, complained to his nephew, who roundly aſſerted it to be a fiction of malice; and went immediately to the heads of the plot, told them that the abbé his uncle was informed of all, held a ſhort conſultation with them, in which it was reſolved

ſolved to riſe at once, and carry into execution what they had intended. The conſpirators aſſembling in the morning, and taking arms in ſeaſon, ruſhed with Philip to the piazza, ſcattered the guards, by putting to death all who reſiſted, took the place, ran through the city, aſſaulted the palace of the anziani, occupied the gates, and garniſhed the walls with their people, and Philip remained lord and ſovereign of Piſtoia. This done, Philip called together the council of the people, obtained the title of captain, and taking the ſovereignty of the city on himſelf, reformed it with new anziani and magiſtrates, and, governing ſeverely, made himſelf feared by all men. The abbé Tedici, having loſt the lordſhip of Piſtoia, and eager to regain the poſſeſſion of it, machinated with his other nephews and adherents to throw out of the window of the public palace his nephew Philip; and going with his followers to the palace, he was introduced alone to a conference with the artful Philip, by his expreſs order, who immediately ordered the gates to be ſhut againſt the other conſpirators, and with a very few words again impoſed on his uncle, and made him priſoner. Philip, thus liberated from the ſnares of his uncle, ſuddenly renewed the truce with Caſtruccio. He conducted his negociations, both with Florence and Caſtruccio, with ſo much duplicity, that he deceived both: there are few examples of deeper ſimulation, more exquiſite addreſs, or of ſelfiſh knavery of a blacker dye, than he practiſed with his uncle, with the Florentines, and Caſtruccio. After obtaining of the Florentines the creation of his ſon a knight of the golden ſpur, three thouſand golden florins for himſelf, and noble matches and rich dowries for his two daughters, of the Florentines, he married himſelf to Dialta, the

the daughter of Caſtruccio, and delivered Piſtoia into his hands. Caſtruccio immediately informs the emperor Louis of Bavaria of his new acquiſition; and Louis ſends to this great man, ſo faithful and ardent in his ſervice, a commiſſion to govern Piſtoia as his imperial vicar. Florence makes war to recover the city; but are beaten by Caſtruccio, who receives the emperor afterwards in Piſtoia, and is made by him duke both of Lucca and Piſtoia, and ſoon after dies. If he had lived, the example would probably have here been complete; the continual altercations of the principal families having completely overturned the conſtitution, and introduced an abſolute monarchy. But his death opened a door for ſtill further contentions. M. Vinciguerra di Aſtancallo Panciatica, prefect of the royal militia of France, and a general in the wars of Normandy, came into the ſervice of the Florentines at this time, with the character of general, and rendered himſelf memorable to poſterity, and moſt grateful to his family, by having built, in four years, his ſuperb palace in Piſtoia, in the pariſh of St. Matthew. The ſons of the deceaſed Caſtruccio thought, by the favour of the Vergioleſi, Chiarenti, Tedici, and other powerful families in Piſtoia, to get themſelves acknowledged as ſovereigns of that city; and to this end procured an armed force to take poſſeſſion of the piazza and palace of the anziani: but the imperial vicar, with his 400 German guards, and by the favour of the Muli, Gualfreducci, and Panciatichi, families ſufficiently powerful, gave battle to the ſons of Caſtruccio, and drove them out of Piſtoia, into the mountains of Lucca. The Florentines, taking advantage of the diviſions and confuſions in Piſtoia, excited their people ſuddenly to war, and went and laid ſiege to Carmignano;

gnano ; and after many fierce battles for fifteen days it ſurrendered, which made the Florentines, with the Guelph exiles, very inſolent, ravaging the country, preventing the farmers from ſowing their grounds, and threatening even the walls of Piſtoia.

In this ſtate of things, there aroſe in Piſtoia two potent factions ; one denominated from the houſe of Vergioleſi, and the other from that of Panciatichi. The Vergioleſians, adhering to the government of the imperial vicar, by means of the fear of the 400 Germans who were in Piſtoia, induced a good part of the people to refuſe their conſent to a peace with the Florentines and Guelphs. The Panciatichans, with their followers, not judging good and uſeful for the city the ſentiment of the Vergioleſians, eſteemed it more advantageous to make peace, than to maintain the country in ſubjection to the avidity of the Bavarian and his miniſters. But the other party determined to interrupt the treaty, by exciting the city to an uproar, and by parading the ſtreets with their Germans, by whom many of the people were aſſaſſinated. The people, finding themſelves thus ill-treated, collecting together, fell upon theſe Germans : there followed a ſkirmiſh, ſo ſerious, that many were killed, many ſurrendered priſoners, and thoſe who eſcaped were obliged to fly with their vicar to Lucca. In the mean time Ricciardo di Lazzaro Cancellieri, a Guelph exile from Piſtoia, ſecretly aſſiſted by the Florentines, and rendered powerful, both by the money and the bravery of his Guelphs, underſtanding the diſunion in Piſtoia, marched into the mountains of Piſtoia with great terror, to acquire poſſeſſion of ſome confiſcated caſtles of his party. This occaſioned great diſguſt and alarm to all in the city, and occaſioned Giovanni Panciatichi

ciatichi to go out with his faction to oppoſe him who attacking his enemy with great ſpirit, prevented him from making himſelf the Lord of that extenſive country. The Panciatichi, then, the Muli, and the Gualfreducci, puſhing the advantage they had gained, and ſuſpecting ſome treaſon from the Vergioleſi, applying themſelves at once to cut off all the means to ſuch deſigns, with all diligence applied to the anziani to aſſemble the general council, by whom were baniſhed and impriſoned out of Piſtoia, all the ſons and relations of Caſtruccio, Philip Tedici, Charles his ſon, with all their families, and confiſcated all their goods and eſtates; and to make ſure of the impriſonment or the deaths of the Tedici, a reward was offered of five hundred florins of gold. This done, they made the peace with Florence, and four knights of the golden ſpur were made by the Florentines, two of the family of Panciatichi, one of the family of Muli, and one of the Gualfreducci, in gratitude for their important ſervices; and both cities ſubmitted to the church, and baniſhed the emperor.

The common people about this time began to be weary of the cabals of the principal families, but were too ignorant to contrive any method to reſtrain them, but that which always renders them ſtill more deſperate and deſtructive to the community, an attempt to bring all upon a level.

The faſhion at funerals had become ſo expenſive, that every one exceeded his proper abilities in making a ſhow; and the Piſtoians, not without giving occaſion for ridicule, attempted to regulate the expence upon ſuch occaſions, by decreeing a rigorous uniform for the uſe of all. At the ſame time, conſidering the bleſſings and advantages of uniform and clear laws, and that the people by the

the means of them are rendered tractable, and leſs haughty and audacious, they prepared certain ſtatutes and proviſions for the good government of their city. And as it appeared to them, that ſome of the principal families arrogated to themſelves an undue ſhare in the management of public affairs, and were diſpoſed by force to oppreſs the popular men, they determined that all offences againſt the popular men ſhould be ſeverely puniſhed, and that the next noble relation of any grandee ſhould be obliged to pay any pecuniary mulct which ſhould be inflicted, in caſe his eſtate was not ſufficient to diſcharge it; and in caſe the delinquent was ſentenced to a capital puniſhment, and eſcaped by any means from juſtice, his next relation among the grandees ſhould pay a thouſand pounds. Although nothing can be conceived more inconſiſtent with liberty, equity, or humanity, than theſe laws, yet the terror of them is ſaid to have procured a momentary tranquillity; eſpecially as certain companies of armed militia of the popular party were inſtituted in the four quarters of the city, to force them, abitrary, oppreſſive, and cruel as they were, into execution. But this militia was not long able to controul the ſpirit of diſorder, and it became neceſſary to provide a ſtronger bridle for unquiet and ſeditious ſpirits, and a new and moſt rigorous law muſt be made to beat down their arrogance and inſolence. The plebeians at this time feeling themſelves the true and real grandees, and at the higheſt ſummit of power, ordained by a law, that all thoſe, of whatever condition they might be, who ſhould give themſelves up to an evil life, and give offence to the popular party, and diſturb the quiet of the city or country, ſhould be, as a puniſhment for their actions, denominated "grandees" (grandi, e magnati),

magnati), and excluded from the magiſtracies, and all management of public affairs, and be ſubjected to other puniſhments. It is true that the gentlemen had ſtill ſome ſhare in the government, becauſe the plebeians, that they might not make too many enemies at once, did not ſeek to exclude from public offices all the nobles, but ſelected from the number divers houſes of the moſt pacific, and the greateſt lovers of juſtice, as it was pretended, and placed them among the popular men, to take away their power from the others, and ſecure it to themſelves. No gentleman however of the popular party was permitted to make any oſtentation of his nobility; ſo that if any one of the popular men was made a knight by any prince or republic, he was ſuddenly deprived of his office: whence many of the nobles, who wiſhed to enjoy all the benefits of the popular men, were obliged, by a ſimulated reſpect to the plebeians, to lay aſide their arms and ſurnames, to diſtinguiſh themſelves from their peers recorded for grandees. Other nobles there were, who choſe rather to be excluded from all public offices, and live expoſed to the rigorous laws of the grandees, than to lay aſide their arms or ſurnames, jealous of obſcuring the ancient hereditary ſplendour of their anceſtors. In this however they were deceived, for the principal popular men took care to preſerve their diſtinction, by a law, "That if by a ſtatute nobles were made populars, they do not loſe by that their nobility;" and by another law, declaring many to be magnati, it is ſubjoined, "the reſt we underſtand to be populars, although born of noble race and progeny." From this it was contended, that thoſe were deceived who meaſured the antiquity and nobility of their own or other families by the

the rule of the enjoyment of the principal magiſtracies.

In 1332 ſeveral of the moſt powerful families, arrogating too much authority in public affairs, or, in other words, being found by the plebeians to have too much influence for them to be able to controul, ſuch diſſenſions and diſturbances aroſe, that it was thought neceſſary to declare them in the number of the grandees; and accordingly it appears by the records, that the Cancellieri, Gualfreducci, Muli, Ughi, Panciatichi, Taviani, Ricciardi, Tedici, Sinibaldi, Zebertelli, Vergioleſi, Roſſi, Lazzari, Forteguerri, Viſconti, Foreſi, and others, that is, all the principal families in the nation, were declared to be magnati, ſtigmatized with that odious appellation, and excluded from all ſhare in public offices. In this year ſevere ſumptuary laws againſt effeminate luxury were made by the council, the ſolemnities and expences of weddings were regulated, and the cloathing of men. Extravagant faſhions in theſe things had tempted moſt people to exceed their revenues, had multiplied debtors, and rendered dubious and difficult the credit of merchants: certain wiſe citizens were authorized to prepare regulations of this kind; and they ſucceeded to make ſuch wiſe laws, that frauds and abuſes became leſs common. Yet the caprice and inſtability of this government appears very remarkable at this time; for although the Cancellieri were the year before recorded for grandees, yet in 1333 Ricciardo Cancellieri was declared a knight by the council of the people of Piſtoia, and was feaſted at the public expence. When any one was made a knight by any ſovereign, or any city, he became ſuddenly noble, although he had not been ſo by birth; for birth, at that time, was neither neceſſary to nobility nor to knighthood.

knighthood. The ceremony of arming the knight was made with great ſolemnity, receiving the military girdle from the other knights*.

In 1356 the Piſtoians lamented the death of their moſt beloved citizen Cino, their greateſt lawyer and judge, the maſter of Bartolo and Petrach.

In 1342 Piſtoia was obliged to capitulate with the duke of Athens, who held the government of it three years, and ruled it as tyrannically as he did Florence.

In 1344 the government was recovered from the duke of Athens; and, to remedy the infinite tumults which were daily excited by the power of the families of the magnati, who by their riches and adherents made their authority and influence prevail, it was ordained, that in time of any rumour or uproar it ſhould not be lawful for any popular man to enter the houſe of any grandee, and if by chance any one ſhould be in ſuch a houſe at ſuch a time, he ſhould immediately quit it, that he might not be under the temptation to aſſiſt the grandee, upon pain of the loſs of all public offices, and confiſcation of all his goods. And none of theſe powerful families, whom they branded with the name of grandees, could go into the ſervice of any prince, city or republic, if he had not firſt obtained the permiſſion of the general council, on pain of being declared rebels: and that the families of the grandees might be known to all, the following deſcription and declaration of them was made and publiſhed by authority; viz. "Omnes de domo Cancellariorum, omnes de domo Guafreducciorum, Tediciorum, Lazarorum, Viſcontorum, Panciaticorum, Ugorum, Mulorum, Ta-

* Fioravanti, p. 301.

vianorum,

vianorum, Sinibaldorum, Vergiolenſium, Rubeorum, Ricciardorum;" which grandees, in time of any rumour or ſtrife, may not go out of their houſes, unleſs called by the captain gonfalonier and anziani.

The Piſtoians, informed of the robberies, aſſaſſinations, and havock, which were daily committed by certain rebels in the ſuperior mountains, and of the treaſons plotting by thoſe of Serravalle againſt the peace and quiet of the commons of Piſtoia, they did not neglect to uſe the neceſſary expedition to chaſtiſe the inſolence of the former, and to divert the malignity of the latter: againſt the former they ſent out a body of ſoldiers, who put the rebels to flight, and pulled down their houſes; againſt the latter they promulgated ſevere laws, with a promiſe of a thouſand pounds reward to any one who would accuſe an accomplice of treaſon.

To ſhow the inefficacy of all ſuch democratical deſpotiſm againſt the principal families in a community, as the declarations of grandeeiſm were, Frederick Cancellieri, ſurnamed for his great valour Barbaroſſa, had influence enough to obtain ſo great a diſtinction and ſo popular and honourable a poſt as the command of the troops, raiſed and paid by Piſtoia, to go upon the expedition for the conqueſt of the Holy Land; Angiolo Cancellieri was made a biſhop, and roſe faſt in the church; and Nicolo Cancellieri, as captain of the Florentines, acquired immortal glory by beſieging in his own palace, and depoſing from the government of Florence, Walter duke of Athens; and Marcello Cancellieri alſo made himſelf illuſtrious as a divine, and obtained the place of auditor of the tower at Rome.

So much of the time of the huſbandman, the artizan,

artizan, and the people in general, was taken up in war at home and abroad; and the fields were ſo often laid waſte, that it was impoſſible to obtain a conſtant and certain ſupply of proviſions for the people. The conſequence of this was famine and the plague, two other evils in thoſe days ſpringing with innumerable others, from their imperfect government. The plague and famine, which, in the courſe of the paſt year, had nearly deprived Piſtoia of inhabitants, at length ceaſing, and the few that remained were ſo grieved and aſtoniſhed at ſuch a calamity, that one would have thought their minds too much ſoftened and humbled to engage again for ſome time in their nefarious tumults: but the few ſurviving citizens found as much diſunion and animoſity among them as ever. Freſh diſorders aroſe, and there was no poſſibility of reſtraining the indignation and fury of the two families of Panciatica and Cancellieri, who, upon ſome diſſatisfaction ariſing among them, fell into ſuch quarrels, that, as each party had many adherents, many murders and much ſlaughter followed; and much greater would have enſued, if the people had not run together to ſeparate the combatants, and compelled them to retire to their houſes. To prevent the prevalence and increaſe of theſe diſorders, the citizens called together the general council, by whom it was ordered that diligent inquiſition ſhould be made after the heads of the tumult, and a rigorous proſecution was commenced againſt Richard Cancelliero and Gio. Panciatichi, the heads of the two families; who, although they humbled themſelves, and aſked pardon for the error they had committed, and made an entire reconciliation with each other, were condemned in a fine of 500 pounds each, to be paid to the commons of Piſtoia, and were obliged to ratify by

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an oath, in full council, the peace they had made between them. But notwithſtanding all this, neither of the families really laid aſide their envy, jealouſy, hatred, and malice againſt the other; for their principals having, rather from the fear of juſtice than a deſire of tranquillity, made their peace between them, they applied themſelves daily to provide arms and men, and finally proclaimed themſelves openly to be mortal enemies to each other, and gave riſe to the factions of the Panciatichi and Cancellieri, from whence aroſe ſuch actions and events as brought a final ruin on themſelves, their relations, their friends, and the city itſelf.

"I reflect, with aſtoniſhment and ſtupefaction," ſays Fioravanti, "that the Piſtoians, abandoning, without cauſe or reaſon, their native ſagacity, and becoming factionaries, ſhould have fomented the paſſions of thoſe two particular families; have contended for the vanity of pre-eminence, at an expence of ſo many crimes againſt the public peace; and have employed all their forces againſt the tranquillity of liberty in that city, celebrated through the whole world for men illuſtrious in arms, in letters, in ſanctity, and wiſdom; prudent in her laws and in her government to ſuch a degree, that foreign republics had followed her example in their laws. Nevertheleſs, thus it was, for giving themſelves up a prey to their griefs and afflictions, they deprived themſelves of all repoſe, and making the paſſions of a few common to them all, loſt their liberty and their government; bleſſings which till this time had been preſerved not without the envy of their rival cities!" This writer needed not, however, have been ſo much ſurpriſed, if he had conſidered the nature of man, and compared it with the nature of a government in which all authority is collected into one centre. An attentive reader

will be ſurpriſed at the boaſt of that tranquillity and liberty hitherto enjoyed; and will be at a loſs to find one moment in the whole hiſtory where there could have been any degree of either.

Arbitrary laws of excluſion and diſqualification, and awkward attempts to expoſe to popular odium the principal families, made without the leaſt modeſty or equity by a popular majority, will never have weight enough with the people to anſwer the deſign of them. Thoſe families will ſtill retain an influence with the people, and have a party at their command, very nearly equal to that of the majority; and being juſtly irritated and provoked at the injuſtice done them, will never want a diſpoſition to attempt dangerous enterprizes. The family of the Cancellieri, though ſtigmatized and diſqualified as grandees, were ſtill held in great eſteem, among all ranks, for their riches and numerous adherents. Richard, the head of the family, ſtimulated by his own reſentment and ambition, and no doubt excited by his partizans, had the preſumption to entertain thoughts of making himſelf ſovereign lord of his country. Courting the people to this end by his liberality, affability, and courteſy, he waited only for a favourable opportunity to acquire it. Having filled his houſe with a large number of perſons, his countrymen and foreigners, he ſuddenly marched out with theſe and his relations to aſſault the piazza and the palace of the anziani: but being met by the captain of the families of the anziani, with his men, and with theſe many of the grandees, and a multitude of the little people, adherents of the Panciatichi, the Cancellieri were repulſed with great ſpirit, and perceiving their lives in great danger, they fled and ſhut themſelves up in the houſe of the Bonducci their friends.

friends. Their factionaries, ſeeing themſelves without an head, in diſorder and defeated, fled in deſpair out of the city by the gate of St. Mark. The Panciatichi, having thus conquered Richard, proceeded with great violence to burn the houſes of the Cancellieri. Richard was outrageous at the deſtruction of his houſes and the flight of his followers: but being informed that they were waiting for him in the country, he ſcaled the walls in the night, went out to meet them, took the caſtle of Mariana, and there fortified himſelf. With the Cancellieri on their flank, and Gio. Viſconti of Milan, and lord of Bologna and all Lombardy, in their neighbourhood, each with a party deſirous of making them lords of Piſtoia, the Piſtoians were obliged to put themſelves under the protection of Florence, upon certain conditions. Richard Cancellieri hearing of this, went to Florence, and with plauſible reaſons made it there believed that the Panciatichi held a ſecret correſpondence with Viſconti, to deliver Piſtoia into his hands. The Florentines thought they might as well govern Piſtoia themſelves, and have it wholly at their devotion, and immediately gave Richard the command of horſe and foot, to go and ſubdue it. The attack was made in the night, and would probably have ſucceeded, if the enſigns of Florence had not been imprudently diſplayed, which ſo enraged the Piſtoians, that reſolving to die rather than ſubmit, they repulſed their invaders. The Florentines ſent a formidable reinforcement; but the Piſtoians defended themſelves with intripidity till they aſſembled their general council; and although Gio. Panciatichi was an infamous grandee, he was ſtill the ſoul of the republic, and no other man had enough of the confidence of his fellow-

citizens

citizens to be ſent ambaſſador and entruſted with their ſalvation. He executed his commiſſion, convinced the Florentines that they had been deceived by Cancellieri, and made an honourable peace; and in 1352 the Piſtoians aſſiſted Florence effectually in defending itſelf againſt the army of Viſconti of Milan.

In 1353 the attention of all parties was turned to peace, to put an end for once to all the troubles of Italy, and it was finally concluded between all the Guelph cities of Tuſcany, viz. Florence, Siena, Piſtoia, Peragia, Arezzo, city of Caſtello, and others of one ſide, and Gio. Viſconti on the other, with certain pacts and conditions; among which Viſconti releaſed freely into the hands of Piſtoia the caſtles and fortreſſes of Piteccio, Torri, Treppio, Foſſato, Montecelli, and Sambuca; and on all ſides were releaſed all the exiles. By virtue of which article were reſtored to Piſtoia the families of the Ammanati, Tedici, Vergioleſi, Gualfreducci, and others, and all their property was reſtored to them.

Richard Cancellieri, nevertheleſs, in 1354, being ſtill obnoxious to the Panciatichi, did not ceaſe to ſtrengthen his party, by ſoliciting the friendſhip of thoſe who might be uſeful to his views. To this end he formed an intimate friendſhip with the captain of the guards at Florence, of whom he expected to make an eſſential uſe in all occurrences. But the Panciatichi, jealous of this intimacy, complained of it bitterly to the Florentines, who, to pleaſe them, diſmiſſed their officer, but at the ſame time exhorted the complainants to live quietly, and lay down their arms; for that at all events, and at any expence, as authors of the peace between the two families, they were determined to maintain it. At this time ſome diſquiet aroſe between

tween the different members of the Cancellieri family, one of whom, Pievano, joined the Panciatichi, and brought an accuſation before the Florentines againſt Richard, that he meditated againſt them ſome great treaſon. A proceſs was inſtituted, Richard was found innocent, and the accuſer and the heads of the inſurrection were ſeverely puniſhed, while Richard was honourably acquitted.

The emperor Charles the Fourth made a grant to the Piſtoians to govern themſelves by their own laws and laubable cuſtoms, in a free popular ſtate, under the guidance of the anziani and gonfalonier of juſtice, whom he made perpetual vicars of the holy Roman empire. That this ſketch may not be protracted to an immeaſurable length, we may paſs over the rebellions and wars between 1355 and 1376, when the diſſatisfactions among the citizens of Piſtoia were ſo increaſed by the reform of officers in 1373, that tumults aroſe to ſuch a height, that the Florentines, who deſired nothing more than to become lords of Piſtoia, or to ſee it deſtroyed, becauſe it was rich, noble and powerful, thought it a favourable opportunity to inſinuate themſelves with their meditated deſigns. Under the ſpecious colour of peace and quiet, they annulled the late reform; and by new laws, under pretence of taking away the ſcandalous names of the two factions of the Panciatichi and Cancellieri, divided the offices into two orders, called one the company of St. John, and the other the company of St. Paul; ſo that the moiety of the citizens, excluſively of the grandees, who could not enjoy before the benefit of the imborſation, were now imborſed in the purſe of the company of St. John, and the other moiety in the purſe of the company of St. Paul; and to obtain the ſupreme magiſtrate there were drawn four, one for the quarter of the purſe

purſe of St. John, and four, in the proportion of one for each quarter, for the purſe of St. Paul; and the gonfalonier was to be drawn alternately, once from one purſe, and another time from the other. And becauſe the company of St. John was protected by the Cancellieri, it immediately followed that it declared itſelf of that faction; and that of St. Paul, protected by the Panciatichi, declared itſelf openly of the faction of Panciatichi: and in this manner, inſtead of extinguiſhing the fire, it increaſed to ſuch a degree, that it ſpread not only in the city, but through all its teritory; and Piſtoia was reduced to a condition ſo deplorable, as to be obliged to abandon all domeſtic ſociety and familiarity, every one being ſuſpicious not only of his neighbours and relations, but of his boſom friends.

In 1383 all ranks of people exceeded their abilities in expences at funerals, and in other effeminate luxury: ſumptuary laws were made againſt extravagant expences; but the hiſtorian confeſſes, that although he thought there was reaſon for them, yet, as he could not read them himſelf without laughing, he feared he ſhould do no good by relating them.

The Piſtoians having beſtowed all their endeavours and ſtudies to obtain a peace with Bologna, with whom they had long been at war on account of boundaries, now hoped to live happily; but they were again tormented with inſurrections, attended with rapine, burnings, and murders innumerable.

The news arrived in Piſtoia, in 1390, that John Galeazzo Viſconti had ſent againſt the Florentines an army of twenty thouſand men, under the command of Jacopo de Verme. This war laſted ſeveral years, and was brought upon the city by its diviſions.

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The Piſtoians had now been eight and thirty years in ſome ſenſe dependent on Florence; for in 1350, after the great commotions, they had entered into a ſtipulation, by Richard Cancellieri their fellow-citizen, with the people of Florence, to keep forever a purſe of ſix popular Florentine citizens, from which ſhould be drawn their captain of the people. In this year, 1398, for the ſake of a more intimate connection and familiarity with the commons of Florence, it was farther ſtipulated, that for the future the podeſta of Piſtoia ſhould be a Florentine.

Continual animoſities had occaſioned in the minds of the citizens ſuch wearineſs, grief, and compunction, that it is impoſſible to read, without commiſeration, their awkward attempts to reconcile themſelves with one another, and to extirpate their civil diſcords, with which Piſtoia was furiouſly agitated. The whole people, of every age, ſex, and condition, were perſuaded to go in proceſſion through the city, clothed in white ſacks, to aſk mutually each others pardon, and to cry "Miſericordia e pace!" (mercy and peace!) and there can be no doubt that a momentary benevolence, and many acts of Chriſtian charity, muſt have been produced by a pilgrimage ſo ſolemn and affecting; but the defects in the conſtitution of their government were not amended by it, and the troubles of the people ſoon revived.

The jealouſies of the Cancellieri and Panciatichi revived, and proceeded to ſuch lengths, that in 1401 Richard Cancellieri, to revenge himſelf, began a ſecret treaty with Viſconti duke of Milan, to deliver the City of Piſtoia into his hands, that he might govern it with his abſolute power, and exterminate the faction of the Panciatichi. The plot was diſcovered, and Richard and all his children

dren declared rebels, and their houſes reduced to aſhes. Richard in the country joined with other exiles, and burned the houſes of the Panciatichi. The Piſtoians were now alarmed with the danger, from the Viſconti and Cancellieri in concert, that they were obliged to put themſelves into the hands of the Florentines. The Cancellieri carried on the war however with ſo much ſpirit and ſucceſs, that, although the duke of Milan died in 1402, Richard was able, in 1403, to obtain a peace, by which the ſtate of Piſtoia was obliged to reſtore his family to all their eſtates, and make good all their loſſes. The Panciatichi agreed to this, that the conſent of all the leaders might be obtained to lay this burden on the people, by whom the damages done to the Panciatichi too were to be repaired.

In 1420 it was ordained, that in the new reform of magiſtrates and public officers, the families who had been ſtigmatized with the opprobrious name of grandees ſhould be reſtored to the rights of citizens, and ſhare in the management of public affairs. But theſe beginning, with their uſual impertinence, to procure that every thing ſhould be done as they would have it, and all offices diſpoſed by their influence, quarrels and diſſentions among the citizens aroſe, by which the whole city fell into the greateſt agitation: whence it was neceſſary, for the maintenance of the public peace, to exclude them afreſh from public affairs. Theſe families were the Panciatichi, Roſſi, Sinibaldi, Ughi, Taviani, Vergioleſi, Lazari, Cancellieri, Ricciardi, Viſconti, Gualfreducci, and Tedici.

The ladies indulged in great expences in the furniture of their houſes, and in the ſuperfluous ornaments of their perſons and families. The general council thought it neceſſary to interpoſe, and prohibit

prohibit all clothes to be lined with foregin furs, or to be embroidered with pearls, gold, or ſilver, or other expenſive and ſuperfluous decorations; and becauſe that all former laws for the ſame purpoſe had been found ineffectual, they were now renewed with moſt rigorous penalties.

In 1455 a civil war broke out in the territory of Piſtoia, called Alliani, between the Cancellieri and Panciatichi, which ſpread into the city, and went to ſuch furious lengths, that the ladies themſelves took arms, and fought with as much bravery as the gentlemen, to revenge the ſlaughter of their relations; and before this commotion was ended, the ſlaves or what they call the vaſſals or villains, took arms. And no method to reſtore peace could be deviſed, till Florence was requeſted to ſend four commiſſaries, who compelled the Cancellieri and Panciatichi to take an oath to be peaceable, and who feaſted the villains till they were quieted.

Inſurrections, tumults and civil wars, continued in 1476, and indeed, with very little intermiſſion, till 1485.

In 1485 Baldinotto Baldinotti, foreſeeing that Lorenzo de Medici might poſſibly arrive at the ſovereignty of Piſtoia, conſidering the great reputation, influence, and authority, which he enjoyed in that city, laid a plot to take him off. As a lover of the liberty of his country, he thought it juſt and honourable to go with his own ſon, and lie in wait in the way between Poggio and Cajano, by which he knew Lorenzo was to paſs, in his journey to Piſtoia, to the feaſt of St. James. But the confidants of Lorenzo having diſcovered the deſign, the conſpirators were without delay apprehended, carried priſoners to Florence, and there puniſhed with death.

Another civil war between the Cancellieri and Panciatichi, attended with its cuſtomary cruelty and devaſtation, occurred, and was not compoſed till the Florentines ſummoned four of each party, and compelled them to give ſecurity, that for the future no quarrels, murders, burnings, or robberies, ſhould be committed in Piſtoia. But this anſwered the end only in part, for the parties went out of the limits of the ſtate, and there committed all ſorts of cruelties on one another; and in 1490 the civil war was renewed in the city.

On the death of the emperor Frederick the Third, Maximilian his ſon ſucceeded to the throne of the empire; but delaying his entry into Italy, gave occaſion to Louis Sforza, tutor of the duke of Milan, to invite Charles the Eighth, king of France, to come to the conqueſt of Naples. Upon this occaſion the Piſtoians threw off their ſubjection to Florence, or rather broke off the connection. But this acquiſition of liberty and independence, had a ſhort duration; for the Piſtoians knew they could enjoy no tranquillity under their own government, and with their own parties: after two years negociation, they agreed to a new convention in 1496.

The families of the grandees, or impertinents, as they were called, revived their pretenſions to be admitted to the honours and public offices of the commonwealth, but as this was contrary to the popular will, and the paſſions and intereſt of their leaders, tumults enſued. The pretenſions of theſe families were countenanced by the Florentines, but the popular men, in the plenitude of their power, oppoſed it with ſo much reſolution, that nothing new was effected.

Plague and famine raged in Piſtoia to ſuch a degree, that ſome were in hopes that the citizens would

would put an end to diſcord and ſedition, and at leaſt endeavour to enjoy peace; but the people, trampling under foot all laws, human and divine, began to renew, both in the city and the country, their oppoſitions and enmities, which proceeded to ſuch feats of arms and mutual ſlaughter, that they were again obliged to have recourſe to the Imperial vicars in Florence, to interpoſe and put an end to thoſe ſtrange accidents which threatened the total deſtruction of the country.

The diſſenſions of parties in the city and its territory, being ſomewhat abated, the citizens began to flatter themſelves with the hopes of quiet; but neglecting to provide a remedy againſt the emulations of private intereſt, in individuals and families, by ſeparating the executive power from the legiſlative, rivalries aroſe, which produced ſuch ruin, both to the country and the contending families, as has been deplored by all ſubſequent generations. The fact was, that by the death of Buonaccorſi, a director of an hoſpital of St. Gregory, it was neceſſary to proceed to the election of a ſucceſſor. On the 10th of October, 1499, had been balloted for, and approved as ſuitable, by the general council, four ſubjects or perſons, among whom one, who ſhould be confirmed and approved by the biſhop of Piſtoia according to the law, ſhould obtain the office. The council having diſcharged their duty in the nomination of the four, the ordinary proceeded to reject two of them, one after another, and left the competition undecided between Piero Terchio and Bernardo Nutini, each of whom endeavoured to intereſt his friends in his favour. Terchio was protected by the Panciatichi, and Nutini by the Cancellieri. The biſhop was at Florence, whence it happened that Salimbene Panciatichi

chi cauſed to be confirmed, as director of the hoſpital, his friend Terchio, by the canonical Jacob Panciatichi, under colour of his being the apoſtolical legate; and ſending to Florence for the approbation of the biſhop, the good prelate promiſed to comply. The Cancellieri hearing of this, went alſo to Florence to ſupplicate the biſhop not to approve the election; but the biſhop who was determined to keep his word, would not liſten to them. Seeing that they could not move him from his promiſe, they applied themſelves to obtain the ſolicitations of his friends and relations, with ſuch aſſiduity and importunity, that the irreſolute prelate was at laſt induced to comply with their requeſt. The Panciatichi, underſtanding the ſtrange reſolution of the prelate, had recourſe to the priori of the people and the gonfalonier of juſtice of their country, and obtained an order, that to Nutini, who had the ſmaller number of votes, the poſſeſſion of the hoſpital ſhould not be given, but to Terchio, who for good reaſons ought to have it; and Terchio, accompanied by ſome of the Panciatichi, was placed in the government of the hoſpital. The Cancellieri, returning from Florence with the confirmation of the biſhop in the perſon of Nutini, carried him to the hoſpital to give him poſſeſſion, but found the place occupied; whereupon, returning to Florence, they carried their complaint to the rector; and after much altercation between the parties, it was determined that the affair ſhould be decided in a court of juſtice, and the cauſe committed to two lawyers. The judges determined that Nutini had been elected and canonically confirmed, and he was accordingly put into the office, againſt all that could be ſaid or done by the Panciatichi, who, upon pain of being declared rebels, were obliged

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to abandon the hoſpital, which they had held well guarded, and give way to the execution of the ſentence. The Cancellieri were made inſolent by their victory, and ſometimes by their words, and ſometimes by their actions, aſſumed an haughty ſuperiority over the contrary party; who, finding themſelves deceived, offended, and derided, not only by the Cancellieri but by the biſhop, went about venting and propagating their paſſions among the people: whence it happened, that hoſtilities beginning between theſe two families, they never ceaſed till they ruined the city of Piſtoia.

The Panciatichi could not cancel from their minds the many and enormous injuries they had received from the Cancellieri, and now meditated a cruel revenge. On the 5th of February, 1500, they unexpectedly aſſaulted, in the piazza, Baccino Nutini and others, and having mortally wounded Georgio Tonti, they ran haſtily through the city, and murdered all the Cancellieri, excepting ſome who had taken refuge in the palace of the lords priors. The Cancellieri who ſurvived were not at all intimidated, becauſe, having many adherents, it was eaſy for them to ſtir up againſt the Panciatichi the plebeians, who, alert at their inſtigation, ſhewed themſelves ſuch fierce perſecutors of the faction of the Panciatichi, that, appearing in arms, they all cried, "Vengeance! vengeance!" and in the tumult a multitude of the Panciatichi and their fautors were killed upon the ſpot; and the ſpirits became ſo exaſperated, that both parties thought of nothing but making proſelytes, and gaining followers. In May the Panciatichi aſſembled a great body of men, and ſeized the piazza, and more than half the city fortified themſelves in the balconies, ſteeples, and towers, and devoted their whole time and attention to preparations for war.

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The Cancellieri on their part, equally numerous in followers, fortified themſelves in the other ſide of the city, and were aſſiſted by ſuch numbers of men, who came in from the mountains and plains in the country, that they compoſed a large army. In ſuch a ſcene of turbulence, ſuſpicions were ſo frequent and dangerous, that it became neceſſary for every man to declare himſelf: for both parties adopted the ſame maxim towards the moderate men and neutrals, "If you don't ſhew yourſelf our friend, we will ſhew ourſelves your enemy." There was not a man finally, who did not inſert himſelf into all the injuries and inſolence of a party; and frequent battles, ſometimes in one ſtreet, and ſometimes in another, both by night and by day, tormented the whole city, ſo that there was no time for the people to take any repoſe.

In this ſtate of things arrived at Piſtoia two commiſſaries, with five hundred men, ſent by the Imperial vicars in Florence to put a check to the impetuoſity of faction, who entered by the gate of Caldatica, and taking poſſeſſion of the moſt important and advantageous poſts, they gave orders to all to retreat and abandon their arms. Theſe orders were ſcarcely promulgated, when there unexpectedly appeared a large body of armed men to the aſſiſtance of the Cancellieri, which by their adherents in Bologna had been ſent; and, on the other ſide, a number of men from St. Marcello, and other neighbouring countries, to the ſuccour of the Panciatichi; and neither party being willing to give way to the other, they began, in the face of the Florentine guards, to ſtrike each other ſo cruelly, that the faſter their forces increaſed, the more were multiplied their inſults, arſons, murders, and ſlaughters. The commiſſaries ſeeing all things

things ruſhing to deſtruction, ordered the heads of both parties to appear at Florence, and that the ſoldiers, both foreign and domeſtic, ſhould go out of the city upon pain of rebellion, and extending the ſame threat to all who ſhould entertain them in their houſes. The Panciatichi were diſpoſed to obey; but the Cancellieri, who were favoured by one of the commiſſaries, proceeded in their inſolence, and making a jeſt of the orders, would not move: whence thoſe miniſters, ſeeing themſelves little reſpected, and leſs obeyed, returned to Florence. The ſoldiers were gone out of the city, and the heads of the factions ſeeing themſelves deprived of their ſtrength, they ſet themſelves to collecting the plebeians to their ſide, and ſtudious of ſlaughter, a great body of people ſtood ready to begin a new affray. As the death of Georgio Tonti had been diſpleaſing to the Cancellieri, they could not forget it, nor conquer their deſire of revenge; with this view they occupied, with all their people, the piazza della Sala, and leaving a number to guard it, went with the reſt to the little ſquare of the Trinity, to pull down the houſes of the Colleſi, and then one of the Panciatichi; then they laid ſiege to the palace of Gualtieri Panciatichi: running through the ſtreets, they killed Francis Nutini, and plundered his houſe, with that of Gabriel Viſconti, Bernard Colleſi, Matthew Colleſi, and ſetting fire to all of them, they ran to attack the houſe of Aſtorre Panciatichi, from whence thoſe of its faction having fled, this houſe remained in the power of its enemies, who ſtripped and robbed it. They then burned the houſes of the Conti, thoſe of Franciſco Thomas Balducci, and that of Gori, archdeacon of St. Zenone, and auditor of the biſhop Pandolfini. After ſo many pillages, burnings, and demolitions, they returned

turned to the piazza, and rifled all the ſhops and ſtores of the Panciatichi, with whom coming to a cruel conflict, a large number on both ſides periſhed. At this inſtant a powerful reinforcement of men arrived to the Panciatichi, who without loſs of time renewed the attack upon the Cancellieri, and both parties fought in the pariſh of Our Lady of the Lily, and in that of St. Michael, with ſuch deſperation, that a great number on both ſides were killed and wounded, and if a great rain had not parted the combatants, it ſeemed as if the whole race would have been here exterminated. But upon this occaſion a truce was concluded. The heads of theſe factions were now ſummoned to Florence: thirty of them went, and were ſuddenly thrown into priſon. A rigorous proſecution, as it is called, was commenced againſt them. Some were acquitted without any conditions of peace or truce; others were puniſhed by impriſonment; ſome by ſequeſtration of their property, and ſome were baniſhed. This deciſion extinguiſhed no part of the flames of revenge; on the contrary, the rigour practiſed againſt ſome, and the lenity to others, gave riſe to ſtill greater inſolence; and in the face of the Florentines themſelves, and in their own city, ſome of the acquitted Cancellieri committed exceſſes as outrageous as the former. Introduced by their friends, the malignants in Florence, ſecretly, at the ſhutting of the gates, ſet themſelves to ſearch for Andrew and Salimbe Panciatichi, to aſſaſſinate them; and favoured by the obſcurity of a foggy air, after two o'clock at night, they found it eaſy to put Salimbe to death, though Andrew had the good fortune to eſcape, by hiding himſelf in a joiner's ſhop. For this atrocious delinquency the faction was baniſhed: but having returned, and reinſtated themſelves

themſelves in Piſtoia, in defiance of juſtice, the factionaries ſoon came to another rupture: they confounded all things in ſuch a manner, that there no longer remained any who dreaded any juſtice, divine or human; but ſcattering through the plains and mountains their execrable factions, nothing was heard of but quarrels, treaſons, conflagrations, and murders. The two factions were at length weary of ſuch inconveniences and fatigues, and, to prepare themſelves to combat with freſh breath, they made for a ſhort time, and with common conſent, a truce, each party providing themſelves with arms, men, and proviſions; and the Panciatichi, deſirous of overcoming their enemies by any means, invented ſeveral new inſtruments and machines of war, and fortifying themſelves with theſe, thought themſelves invincible.

The Cancellieri fortified themſelves, as well as the Panciatichi, with forts and baſtions of timber, and machines of war, ſtanding well upon their guard in their poſts. The Panciatichi, no longer able to contain themſelves, put in order all their people, made Palamideſſe Panciatichi, and Bartolomeo Colleſi, their leaders, and arranged all their poſts, officers, and ſoldiers. But while they were occupied in theſe diſpoſitions, they unexpectedly found the oppoſite faction ready to meet them: the battle was fought, and the Cancellieri obtained a bloody victory, becauſe the Panciatichi were abandoned by a large body of Lombards, whom they had hired for their defence. They did not, however, loſe there courage, but re-aſſembling their partizans, and rallying their ſoldiers, they appeared again in a ſhort time, with greater numbers and ferocity than ever; and the engagement being renewed, for the ſhort time that it laſted was ſo terrible and fatiguing, that both parties

were ſo exhauſted and weakened, that they were conſtrained to retire with their wounded men to their poſts. The Cancellieri having taken ſome repoſe, and, conſidering that they had the protection, or at leaſt the countenance, of the new Florentine commiſſaries, by whoſe advice their aſſociates had been reſtored to Piſtoia, inſtead of being baniſhed for the murder of Salimbe Panciatichi in Florence, they aſſumed freſh courage to attempt every means for the deſtruction of the Panciatichi. On the 9th of Auguſt they ſcoured all the ſtreets and ſquares of the city, and wherever they found a Panciatichi they murdered him. They put to death alſo Bernardino Gai, and mortally wounded the Comte di Rigolo Biſconti; but many thinking it their duty to vindicate the Panciatichi, they fell with ſuch impetuoſity upon the rear of the Cancellieri, as obliged them to retire. In this ſtate of things the Florentine commiſſaries cited to appear before them ten perſons of each party; who, though they made their appearance, were detained in the palace of juſtice, and exhorted to peace, or at leaſt to a temporary truce, would not accept of any of theſe propoſals; and therefore the commiſſaries, not knowing what to do with them, diſmiſſed them. Animated rather than terrified by this weakneſs of authority and the judicial power, they demanded all their followers confined in various places, and providing themſelves again with arms and aſſiſtants, renewed the war. Such was the ardour, violence, and the force of the Cancellieri and their party, that they excited great terror, not only in the country parts, but in all the city. Not content to have taken poſſeſſion of all the councils, and aſſembled them to govern as they pleaſed, and rendered their people diſobedient to all law, but they alſo ſent them, with the utmoſt

utmoſt licence, through the country, to ravage, plunder, and burn the villages and habitations. The men of prudence and reflection ſeeing ſo many precipicies and ſo much ruin, and foreſeeing more, exerted themſelves to obtain an election of eight citizens, to whom were given the whole authority of the general council, or, in other words, were made dictators, that they might find a remedy for ſo great confuſions, and do whatever ſhould be neceeſſary or convenient for reſtoring the public tanquillity. On this opportunity the clergy were aroufed, and with uncommon zeal exhorted the people in private converſation, and fulminated from the pulpit againſt all this ungodlineſs and unrighteouſneſs of men; but all this apoſtolical benevolence, added to the unlimited power of the eight dictators, were inſufficient; men's ears were deaf, and their eyes blind, to every thing but the malignity of their own paſſions, and every one continued to do whatever ſeemed right in his own eyes. They recalled into Piſtoia all the baniſhed men, with numerous troops of their adherents: theſe filling the city with bad men, and bringing freſh force and vigour to the reſpective parties, they prepared to commit new exceſſes. The Panciatichi, finding themſelves at liberty, and looſened from all reſtraint, went, on the 13th of Auguſt, unexpectedly, to batter down the houſes of William Fioravanti, thoſe of Jacob Peri, thoſe of Antonio Popoleſchi, and many others, upon which occaſion many were wounded, and Francis Panciatichi, and John Aſteſi, with many others of inferior condition, were killed. On the 15th of Auguſt they went to batter down the houſe of Biagio Odaldi, but theſe making a reſolute reſiſtance, many were wounded, and the reſt obliged to retreat: but returning the next day,

with

with a reinforcement of people under the influence of the family of Brunozzi, they laboured to ſuch purpoſe, that partly with force, and partly with fire, they took poſſeſſion of the houſe. They went next to the palaces of the Neri and Fioravanti, and finding no reſiſtance, they took them, and filled them with their men. They aſſaulted too the houſes of the Colate, Salincerni, and Curradi, and not being able to take them, ſet fire to them, and burnt five warehouſes of the Ambragi: they entered into the houſes of the Gatteſchi, but there they were obliged to fight a long time, and the engagements became general, ſo that it was impoſſible to aſcertain the number of the killed and wounded of the two factions, but there was not a ſtreet in the city which was not incumbered with dead bodies, and polluted with human blood.

Intelligence of the ſtrength of the Panciatichi had been communicated by the Cancellieri to their friends, who, on the morning of the 17th of Auguſt, with an hundred cavalry and two hundred infantry, appeared ſuddenly at the houſes of the Colleſi, by whom ſo brave a defence was made, that they were repulſed; but after taking a ſhort repoſe, returned to the aſſault, took the houſe, plundered it, and left it on fire. They went next to the houſes of Antonio Ambrogi, to the two houſes of the Cioci, to that of Vincenco Mati, and burned them, with many others, and retook thoſe which had been hitherto occupied by the Panciatichi, who finding themſelves obliged to abandon the houſes of Andrea Fioravanti, and Antonio Popoleſchi, conſigned them, in a fit of deſpair, to the flames. But while the party of the Cancellieri were attentive to the miſchief they were doing, they were attacked, in two places at once, by the Panciatichi; and ſcarcely was the action begun, when,

when, perceiving their diſadvantage, they retreated behind the church of St. Anthony, and ſet fire to the houſe of Niccolas Godemini: from thence they went to the Old Gate, and attacked the houſes of the Bracciatini in the piazza, where, meeting with a bold reſiſtance, they went with great ſolicitude to find the commiſſaries, and demanded of them the poſſeſſion of the hoſpital del Ceppo, which was then governed by one of the Panciatichi, otherwiſe they would have ſet fire to it. The Panciatichi had already two hundred countrymen of the Plain, under the command of Michelino Jozzeli, and that of Liſca, who, poſted for the guard of the hoſpital, were determined to periſh rather than abandon it. The commiſſaries ſeeing ſo many people aſſiſting the Panciatichi, would not openly eſpouſe the requeſt and attempt of the Cancellieri, but pacifying them with ſoothing words, they gave orders to M. Criaco, the captain, who, in behalf of the Florentine Imperial vicars, with 500 ſoldiers guarded the piazza, that in their name he ſhould take poſſeſſion of the hoſpital, under the pretence of preſerving it from ſo much fury. The captain, with one hundred of his ſoldiers, marched to the hoſpital, and employed all his art to obtain poſſeſſion of it, but was anſwered by the Panciatichi, that they would not go out of the place alive. Upon this the commiſſaries in perſon went to the hoſpital, and acknowledging that it muſt require great feats of arms to take it, gave good words to the Panciatichi, who delivered up to them the hoſpital, which was, however, unexpectedly pillaged by the Cancellieri, but left, by the orders of the commiſſaries, in the power of the ſupreme magiſtrate of the city, by whom poſſeſſion being taken, regulations were made

made for the good government of it, and the adminiſtration given to four prudent citizens.

A little afterwards the commiſſaries and the biſhop undertook to perſuade the party of the Panciatichi, not only to inſiſt upon the direction of the hoſpital, but alſo to abſent themſelves ſome time from the city, and in that manner to remove the cauſe of ſo many diſorders, and endleſs evils which threatened to ſucceed. Theſe orders, or this recommendation, were given to Baſtiano and Vincenzo Bracciolini, of that faction, who held immediately a conference with Andrew and Antonio Panciatichi, their leaders, who thought fit to obey, firſt demanding ſecurity for their houſes and other property, which was promiſed them by the commiſſaries. They made haſte to communicate theſe particulars to all their factionaries, who, adhering to the opinions of their principals, collected together all their property of value, and carried it towards the church of St. Paul, and there filled up the whole ſtreet which leads to the gate Caldatica, and ſtood well upon their guard. The Cancellieri were in the contiguous ſtreet, with four hundred ſoldiers from Bologna; and fearing to riſque a battle, the Panciatichi marched out of Piſtoia without receiving injury or inſult from the inhabitants, followed by the Colleſi, Roſſi, Franchini, Forteguerri, Fabroni, Biſconti, Bracciolini, Brunozzi, and many others of equal rank and condition. The gates were inſtantly ſhut, and the walls lined with men by the Cancellieri, who inſulted and ridiculed, from that eminence, the retreating faction, with impunity and without danger.

The Cancellieri remained in Piſtoia, and it is not poſſible to relate the abominable iniquities and cruelties committed by them in the height of their

their triumph, infolence, and power: ranging the whole city without controul, they attended no other buſineſs or amuſement but to ruin, burn, plunder, and raviſh, whatever of the Panciatichi they could find, and he who could commit the moſt atrocious deeds was the moſt eſteemed, admired and applauded. In this manner was the public faith, and the ſolemn promiſe made to the Panciatichi, fulfilled and performed! To the principal palace of the Panciatichi they ſet fire; the houſes of the Brunozzi, Colleſi, and many others contiguous to them, were diſmantled: the beautiful habitations of John, Oliver, and Virgil Panciatichi, with many other places and houſes filled with grain, corn, wine, oil, and timber, were burned; and all the ſummer-houſes, ſhops, and ſtores, and every other building which belonged to the Panciatichi; in one of which was found in bed the Count di Rigolo Biſconti, ill of the wounds he had received in ſome of the late engagements: the count was, without ceremony, thrown out of the window into the ſtreet, not by a commmon rabble, but by Ceccone Beccano and Gio. Taviani, men of diſtinction and conſequence. They afterwards made ſearch in all the ſteeples and towers, as well as through all the churches, for refugees of the other faction, and wherever they found any they drove them out, robbed them, and ſent them to their houſes; and ſo enormous was the evil committed by the Cancellieri factionaries, that by the end of the 20th of Auguſt they had burned more than two hundred houſes and ſtores, and all the principal ſort, contrary to the promiſes and ſolemn faith to the Panciatichi by the commiſſaries; and thus a beautiful and charming city was become a receptacle of aſſaſſins, of robbers,

bers, of murderers, and labourers in every evil work.

While the faction of the Cancellieri thus tyrannically domineered in Piſtoia, that of the Panciatichi would have done the ſame if they had been in the city, equally without controul. In their ſtate of baniſhment, they ſtill meditated the oppreſſion and deſtruction of their rivals, and to this purpoſe collected men, and fortified themſelves on the plains in the country. Not being able to obtain the countenance and aſſiſtance of the Florentines, but rather being threatened by them with their diſpleaſure and chaſtiſement, they ſet themſelves, with all their forces, to ill treat the country with their robberies, arſons, homicides, and impriſonments, in ſuch a manner, that making frequent excurſions into the mountains, they ſoon reduced all the territory of the Piſtoians to a miſerable and deplorable ſtate. At the ſame time the Cancellieri, no longer knowing what to ſteal, or whom to rob, proceeded in inventing new inſults for the Panciatichi, or thoſe whom they ſuſpected to favour that party, who remained in Piſtoia. As the city was full of malicious people, who could not contain themſelves, they went frequently out of the gates, and ſtole cattle and other property from the Panciatichi in the country, till all the Panciatichi, who were near the bounds of the city, were obliged to retreat into the plain, and unite with their aſſociates: here they began to think of checking the power of their enemies; and all being eager to return to their houſes, they thought it a duty to reſtrain by force the arrogance of their adverſaries, and reduce them, once for all, to ſubjection. To this purpoſe they erected a ſtrong baſtion near the bridge

bridge à Bonelle, and another in the neighbourhood of the bridge alla Pergola, and fortified themſelves at St. Angiolo, at St. Baſtiano, at the great houſes of the Forteguerri, at Zenuta, at Magia, at St. Nuovo, at Tizzana, and made other fortifications, with preparations of munitions of arms, proviſions, and men, from the mountains and from Lucca, who came to lend them aſſiſtance: and by theſe means held in ſubjection all the country, and in terror all the contrary faction. The Cancellieri ſeeing the preparations made by the Panciatichi, and apprehending ſome unexpected aſſault, made, without delay, preparations neceſſary to remove theſe factionaries effectually from the country. Collecting together a body of 4000 men, of their own and the Bologneſe, they went out to attack, at the ſame time, the two baſtions near the bridges. The Panciatichi were aſtoniſhed and panic-ſtruck at the ſight of ſo many men, and giving themſelves up moſt ſhamefully to flight, the aſſailants, in leſs than one hour, had complete poſſeſſion of both bridges, and diſmantled both the baſtions. Proceeding to St. Angiolo, which was guarded by Bartolemeo Colleſi, an intrepid officer, and experienced in arms, they fought a moſt bloody battle, in which Colleſi himſelf was killed under his horſe; for this brave commander falling from his horſe, was aſſaſſinated, and his head, ſevered from his body, was fixed on the bow of a ſaddle, and carried to Piſtoia, there to be expoſed to mockery and inſult: at the ſound of the trumpets it was placed upon the architrave of the well of the great market, that the people might demonſtrate their joy and triumph over it, and there it was kept three days. This inhuman exultation was the beginning of ill fortune to the Cancellieri:

the indignation of the Panciatichi was excited by the ſcoffs and taunts offered to their Colleſi, and by the ſhameful repulſe in the aſſault of an enemy's baſtion near the river Brana. At this action the Cancellieri were ſo confident, that they cried out, "Victory!" and returned without order through the ſtreets, with a great booty, to Piſtoia. The Panciatichi made a commander of Meo Gori, of a very numerous family in Terruccia, proud and terrible, but fortunate, who, with four of his brothers, and other relations, who in all were about an hundred perſons, in the rear of thoſe who thought themſelves victorious, followed them to the grove of elms, and retaking the plunder, routed the party. Many were ſlain, more made priſoners, and the reſt, ſcattered in various places, returned late and in diſorder to Piſtoia. The Panciatichi having obtained ſo ſignal a victory, they proceeded, under their glorious captain Franco, to Tizzana and Magia, and there ſummoned to arms all the people of the party, and ſtood night and day in good order and well guarded. The Cancelleiri, ſeeing the increaſing force of the Panciatichi, deſpaired of diſpoſſeſſing them of the plain, and therefore employed all their craft to effect a ſeparation between the Panciatichi in the country, and the Panciatichi in the city, in order to weaken the faction: in the courſe of two months they accompliſhed their deſign, and a truce was concluded between the Panciatichi in the country and the Cancellieri in the country, which occaſioned great feaſts and rejoicings in Piſtoia. This truce, however, had but a ſhort duration; parties began again to rage, and mutual ſlaughters were renewed; and although the Florentines knew that the territory of the Piſtoians was no longer practicable, on account of the continual

tinual murders and aſſaſſinations committed in it by night and by day, yet they would not, or knew not how to put their hands to any effectual remedy: and although they ordered into confinement for three years, upon pain of rebellion for returning to Piſtoia, all the families of Biſconti, Panciatichi, Colliſi (except Bernardo), Fabbroni, Brunozzi, Roſſi, Forteguerri, Bracciolini, Cioci, and Gherardi, and many others, ſpecified to the number of two hundred, yet it was not poſſible that this baniſhment ſhould have any effect; becauſe that many Florentines, their friends, beſides favouring and aſſiſting them, with money and other effects, obſtructed the execution of it, which was the principal cauſe that the Panciatichi conſolidated themſelves on the plain, with the firm reſolution not to depart from it. The Panciatichi, nevertheleſs, were not a little anxious, when they knew that the commons of Florence were againſt them; and the Cancellieri were not leſs diſturbed with fears when they ſaw their enemies in poſſeſſion of the dominion of the country; ſo that they were obliged to conſider themſelves as beſieged in Piſtoia, rather than as lords of it: wherefore, reflecting that there was no bleſſing more neceſſary than peace, it was determined by the general council, that they ought to have recourſe to the Moſt High in holineſs and good works, and to this end orders were given to the labourers of St. James the apoſtle, that adequate alms ſhould be given to all the religious orders, that they might by their prayers ſupplicate Heaven to ſend peace and union among the citizens. All this was very commendable and proper; but to depend upon theſe prayers alone, without changing their conſtitution, was as irrational and preſumptuous, as for the crew of a

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ſinking ſhip to pray for preſervation, without working the pumps or ſtopping the leaks.

Accordingly, in 1501, they were found to have been ineffıcacious; for the execrable factions, in a ſtill greater effervescence of cruelty, made uſe of every cunning ſtratagem, and attempted every means, to deſtroy themſelves and their country. The Cancellieri, dreading that the Panciatichi might return to Piſtoia, determined not only to hold them at a diſtance from the city, but to chaſe them with all the force they could poſſibly aſſemble, quite out of the country; and to this purpoſe, having taken into their pay three thouſand foot, drawn from the country, the mountains, from Valdinievole, from Prato, and other places, and fifty cavalry, early in the morning of the 5th of February they ſallied out with theſe forces, well armed, from the gate Caldatica, and went, one thouſand men towards Montemagno, and two thouſand towards St. Angiolo. Theſe laſt arrived at St. Angiolo, entered the church, ſpoiled it of every thing valuable, and ſet it on fire; and becauſe thirty of the Panciatichi, who were poſted as guards in the ſteeple, knew it was impoſſible in any manner to defend it, they gave the ſignal of their being beſieged by a flag, as had been previouſly concerted with their friends in the neighbourhood. Suddenly three hundred Panciatichi, compacted to gather in the form of a ſquadron, under the command of their captain, Franco Gori, uſing every artifice to avoid being diſcovered by the enemy, threw themſelves by ſurpriſe into the middle of the Cancellieri, and in a ſhort time broke anddefeated to the number of two thouſand perſons. This victory was ſo advantageous to the Panciatichi, that three of them only were wounded, and one killed, while the Cancellieri loſt

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more than three hundred and fifty killed, and a proportionable number wounded, and many were made priſoners; and thoſe few who eſcaped, threw down their arms, and in ſmall numbers, and great diſorder fled towards Piſtoia. This ſplendid victory, with the acquiſition of a great booty, obtained by the Panciatichi, animated them not to ſhrink from any inconvenience or fatigue to proſecute the abaſement of their enemies: wherefore, without loſs of time, taking, to deceive their antagoniſts, a pair of colours, which had been ſeized in the laſt battle, they paraded with this on their march, and went to attack the other Cancellieri, who, at Santo Nuvo, had beſieged their aſſociates, the Panciatichi who guarded it; but the Cancellieri, advertiſed of the artifice by means of a lady, fled with the enemy, almoſt ſhoulder to ſhoulder, and coaſting along by the cliffs of Caſale, took the road towards Collina Fontana, and routed, diſbanded, and covered over with mire, arrived at Piſtoia. This retreat took up the whole night. This flight of the Cancellieri occaſioned no ſmall damage to the innocent Panciatichi who had remained in ſecurity in Piſtoia; becauſe, returned as were the fugitive Cancellieri to their country, they had no other thoughts than to revenge themſelves wherever they could, by ſcouring the city, with their arms in their hands, and falling upon thoſe unhappy people: they aſſaſſinated in the piazza a country gentleman, and Felice di Mareo, who were of the Panciatick faction, and the others, wounded and beaten, by flying into the fortreſſes and palace of the rectors, eſcaped their fury, and ſaved their lives.

The Panciatichi upon the plain in the country, having been informed of the treachery committed upon

upon their companions in Piſtoïa by the Cancellieri, conceived againſt that faction an indignation beyond all credibility greater than ordinary; ſo that, after a little repoſe from the fatigues lately ſuffered, they prepared to perſecute their enemies with greater ferocity. Hearing that ſome of them had built a ſtrong baſtion on the common at Caſale, from which fortification they daily made inroads among the inhabitants, and committed much miſchief, they went on the 24th of March, and took the baſtion, the Cancellieri who guarded it ſhamefully flying. Others of the Cancellieri, in Caſale itſelf, taking poſt in the church and in the balcony, after a ſharp conflict were overcome by Michelino Jozzelli and Charles Nicolai, many of them cut to pieces, many others wounded, and the reſt purſued over the mountains, where they left their arms, and fled with precipitation: others, in the meadows of Vignole and of Agliana, were pillaged and totally diſperſed: others, at the bridge of Bonelle, ſuffered a perfect defeat, in which many were aſſaſſinated, and the reſt fled in diſorder. The Panciatichi ſeeing their affairs ſucceed ſo happily, prepared themſelves for greater enterprizes, and calling together all their people, they went againſt the caſtle of Momigno, took it, and ſet it on fire. They then took Vinacciano, and burnt all the houſes of the Cancellieri; and the houſes of the Panciatichi having been a little before burnt by the Cancellieri, this place by the laſt conflagration became entirely deſolate and deſtroyed. Nor was the damage leſs that was done at Montegaſtoli, the country of Fontana, Collina, and Gabbiano. The Panciatichi then fortified themſelves at Montebuono, and did infinite damage from thence to the party of the Cancellieri, who taking Giaccherino, built by the families

families of the Panciatichi, made a ſtand againſt their enemies, and there followed in this neighbourhood burnings of houſes and murders of people. At length the two factions deſcended towards the long bridge, and came to battle, which was continued for ſome time with obſtinacy; but the Cancellieri having the worſt of it, at laſt fled.

The few good and wiſe men who remained, conſidering the miſeries and deſtruction which reſulted to the city of Piſtoia and its territory from the two unbridled factions, exerted themſelves to aſſemble the general council, by whom were elected two citizens, to ſee that all malefactors ſhould be chaſtiſed and puniſhed. But a proviſion of this ſort could never be ſufficient to intimidate a number of factionaries ſo powerful: it accordingly only animated them to greater fury; for the perſons elected being poorly attended, and provided with little power or force, how could they be able to reſtrain a deſperate people, who required extraordinary rigour, and much greater energy, to render them quiet, pacific, and obedient? This was ſo well known to thoſe ungovernable people, that it rendered them more fierce, proud, and inſatiable of revenge, ſo that the Cancellieri, ſeeing themſelves overcome in battle, determined to accumulate a great quantity of money, in order to provide men to conquer the force of their enemies. To this end they burthened the city of Piſtoia with the payment of twenty thouſand ducats of gold; they ſold the effects of St. James to the amount of four thouſand crowns; they pawned, for eighteen thouſand crowns more, at Bologna, the chalices of gold of the chapel of St. James, which weighed twenty-two pounds; they ſold two golden angels, a fathom and an half

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in height, and a pair of candleſticks which were worth five hundred crowns; they took a moſt beautiful baſon, and an ewer of ſilver, of the value of four hundred crowns: moreover, they coined into money other ſilver baſons, and an image of the Virgin, and another of St. John, of pure ſilver, which were of St. Zeno, and all the diſhes and baſons of ſilver which were in the palace of the ſupreme magiſtrate; they took from the Monte di Pieta ſix thouſand ducats, and one thouſand five hundred from the Houſe of Wiſdom, and made up a ſum of forty thouſand crowns. In the age and country where theſe things were done, this robbery of churches, of ſaints, and angels, this plunder of holy relicks, was ſacrilege and impiety of the deepeſt dye, enough to have ſhocked and revolted the whole city in any other circumſtances; but the ſpirit of party made it all lawful to the Cancellieri and their followers, who made Mancino of Bologna their captain, one of the braveſt ſoldiers of thoſe times, hired fifteen hundred foreigners, of infantry and cavalry, and called in all their friends from the mountains and country, ſo that Piſtoia was ſo full of ſoldiers, that all the houſes could ſcarcely hold them.

In the mean time the party Panciatichi neglected not to procure all the advantages in their power; and animated by one Pazzaglio, of Serravalle, they attempted to take that caſtle, and by means of that traitor ſucceeded, fortified themſelves in the poſt which guarded Valdinievole, and in the ſteeples of the churches of St. Stephen and St. Michael; and being in want of proviſions, made excurſions to the adjacent country, reaped the grain, pillaged cattle, and ſometimes burnt houſes and killed inhabitants, till they reduced the place to a moſt miſerable and deplorable ſtate. The

parties

parties having in this manner provided themſelves with men, arms, and proviſions, the Cancellieri were anxious to undertake ſome enterprize with that body of men, which they had hitherto kept in pay at ſo great an expence, and with ſo little effect. After a conſultation, part remained as a guard in the city, and part went out to the mountains. Six hundred infantry and fifty cavalry went out, well armed and in good order, and attempted an aſſault, in two diviſions, upon Brandeglio and Caſtellaccio, but were diſcouraged by a brave defence. They advanced towards Cireglio, and making a fierce attack, they eaſily carried it, plundered it of all that was valuable, and deſtroyed the reſt by fire. They then went to the church, which, with its ſteeples, was full of people and of property; they laid ſiege to it in ſuch a manner, that thoſe who guarded it deſpaired of defending it; but, encouraged by the women who had taken refuge there, who, like generous amazons, took arms, repulſed the enemy, and having placed in ſecurity the goods, regained in a ſhort time thoſe places which by the men had been abandoned. The Cancellieri, covered with bluſhes and diſgrace, returned to their main body, and adviſed their companions to return to Piſtoia: but when they began their march, they were ſo perſecuted by the Panciatichi, that the killed and wounded exceeded by far thoſe who in confuſion returned to the city. Then it was that the Panciatichi haſtened to Berrignardo, Borghetto, and Piazza, and burnt all the houſes of the Cancellieri: and ſuch were the damages done that day by the factionaries, that more than one hundred and fifty houſes of both parties were burnt down.

Thoſe of the party Panciatichi, who had entered into the caſtle of Serravalle, thinking themſelves

in ſecurity, ſtood negligently on their guard in that poſt; intelligence of which being ſent to the contrary party, they ſent, with great haſte, ſix hundred ſoldiers upon an enterprize againſt it. Two hundred ſurrounded it, and the four hundred others, introduced into ſome places about the caſtle, began to ruſh without controul into all the apartments, ſo that the Panciatichi, taken by ſurpriſe, retired into ſome other forts in the neighbourhood. Early in the morning the Cancellieri approached the ſteeple of St. Michael, and took it by a vigorous aſſault. They battered afterwards that of the church of St. Stephen; but perceiving that it was not to be carried without ſome delay, they ſet fire to the church, from whence the flames aſcending to the balcony, ſoon burnt thoſe who held it. They intended, moreover, to have attempted the acquiſition of the fortreſs, in which the greater part of the Panciatichi were ſhut up; but a reinforcement of five hundred infantry, and one hundred cavalry, arriving to thoſe in the fort, and reinforced farther with three hundred men from the mountains, and two hundred from Lucca, conducted by Michael Jozzelli, who had taken the moſt important poſts without the walls, the caſtle was beſieged in ſuch a formidable manner, that the Cancellieri loſt all hopes of expelling the contrary faction from that place. The Cancellieri in Piſtoia, however, hearing the ſituation of their companions in the caſtle of Serravalle, ſent, at the approach of evening, three hundred infantry and fifty cavalry, with plenty of proviſions, to reinforce and refreſh them; but ſcarcely had theſe ſoldiers met the others at the foot of the mountain, when, repulſed and purſued by the Panciatichi as far as the long bridge, they were obliged to ſubmit to the loſs of twenty perſons, many arms, and all

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their proviſions. In the mean time came to the aſſiſtance of the Panciatichi, Martino Ciuti with two hundred men, and the captain Franco Gori with three hundred, and many others, who uniting with thoſe already there, amounted to three thouſand, who attacked that caſtle on the ſide of the fort in which the companies had taken refuge; but ſeeing all their attempts were rendered vain, one hundred of the moſt alert approached to the gate with ſuch impetuoſity, that they made a breach, and let four hundred men into the caſtle, who attacking the Cancellieri in the rear, in leſs than an hour killed more than three hundred, and made more than one hundred priſoners, and permitting the foreigners to eſcape by a ſhameful flight, gained a large booty of goods, money, arms, and horſes. The Panciatichi having obtained this noble victory, the citizens of that faction began to think of endeavouring to return to Piſtoia; but were diſſuaded by the Panciatichi who were inhabitants of the country, and would not conſent. They went therefore all together to their uſual poſts upon the plain, with their priſoners and rich plunder. If they had attempted to return to Piſtoia, they would not have been oppoſed, for the factionaries in the city were ſo impoveriſhed and diſcouraged, that many had gone out of the place; and although the bells of the people were rung that day, not one perſon appeared in the piazza.

There ſucceeded many more affrays and ſlaughters, burnings and depredations, to relate all of which in detail would be endleſs. Great were the damages done the ſame day by the Panciatichi in Alliana; but by the treacherous miſconduct of their captain, Martino Franceſe, they were diſgracefully repulſed, had many killed and many wounded; and, what was more to be dreaded, the Cancellieri

Cancellieri carried thirteen of their heads in triumph to Piſtoia, and by that means revived the courage of their companions, almoſt ſunk in terror and deſpair. Great was the ſlaughter of their enemies, and numerous the burnings of houſes committed by the Panciatichi of Montagnana, the 7th of July, at Momigno. The 10th of July the Panciatichi of Brandeglio collected a large number of men from the plain and the mountains, and burnt all the houſes of the Cancellieri which were at Satornana, at St. Felice, and there plundered all the property and all the cattle. The 20th of July the Cancellieri burnt in Piſtoia eight houſes and ſix ſtores of the Bracciolini, and ſet fire to three houſes of M. Gio. di Franco, and demoliſhed the houſe of Franciſco Colleſi, near to St. Proſpero. The 28th of July the Cancellieri went to Montebuono, a town of the Panciatichi, took it by ſtratagem, and burnt it, after having made twelve priſoners; whom they conducted to Piſtoia, led into the hall of an houſe inhabited by Giuliano Dragucci, where they ſtrangled them, and threw them out of the window. This, which they called juſtice, they compelled to be executed by the hands of a prieſt, who was in the number of the priſoners, and then they put the prieſt to death in the ſame manner. Much deſtruction was made by fire, on the 30th of July, in the commons belonging to the houſes of the biſhop, and in other places, by the Panciatichi; but no leſs were the evils committed the ſame day by fire by the Cancellieri in the commons of Bonelle: and in ſo many other places were ſuch exceſſes committed by the two factions, that they had reduced Piſtoia to be the moſt unhappy among all the miſerable cities of Italy; its whole territory was one ſcene of burnings, murders, and captivity of men, and the

the citizens themſelves were become the fable and the ſcorn of the whole world. The Florentines, who, as Imperial vicars, had ſome pretenſions to interfere in the government of Piſtoia, derived from the emperor Robert, had neglected, till they reproached themſelves, to attempt any ſalutary remedy to ſo many evils. In the beginning of Auguſt the Cancellieri, the faction which had now the dominion in Piſtoia, conſidering that the Panciatichi were maſters of the country, and were well furniſhed with proviſions, while the city was in danger of famine, aſſembled in the public palace to deliberate; and they concluded it would be for the advantage of their country, and of both parties, to make peace with the Panciatichi. This reſolution was ſoon communicated to the Panciatichi, who ſuddenly conſented to treat. At this time the Florentines offered their mediation, propoſed articles, and ſent troops to keep order, &c. The particulars of this negociation were curious enough, but this eſſay is already too long. The wiſeſt and moſt prudent men in the city held ſecret communications, ſometimes with one party, ſometimes with the other, and then with the Florentines, till at laſt they prevailed to have a general council called. This conſiſted wholly of Cancellieri, for thePanciatichi were ſtill in the country, and conſequently the demands of the latter were thought too conſiderable. Such controverſies aroſe, even among the Cancellieri, that it was feared nothing would ever be concluded. Some juggling monkiſh trick at laſt ſucceeded: a dove, white and black (bianca & neri), after the ſimilitude of the arms of the Panciatichi family, flew down upon the ſeat of the ſupreme magiſtrate, and gave manifeſt ſigns that the Moſt High was in favour of peace; the hard hearts of the Cancellieri relented,

lented, and peace was made. The great affair of the appointment of a director of the hoſpital was ſettled, by giving each party alternately the appointment. The Panciatichi were reſtored to the city; all crimes and atrocities were pardoned, and to be forgotten. Eight citizens were to reform the government in ſuch a manner, that the gonfalonier, and all the other officers, ſhould be equally drawn from each faction; and the families inliſted under the Panciatichi on one ſide, and under the Cancellieri on the other, were all named and recorded.

Rumours and tumults were ceaſed; the two factions enjoyed in Piſtoia a tranquillity that they believed would be laſting; but the habits of diſcord were not eradicated, paſſions were not extinguiſhed, and the parties were not balanced. Accordingly, in 1502, the ſymptoms were diſcovered of an hidden gangrene: the Cancellieri pretended to have been, by the general council, exempted from accounting for what they had taken from the commons and from pious places; and the Panciatichi demanded to be refunded in part, if not in the whole, of the damages done by fire to their houſes; but as the general council, and the other offices of the city, were compoſed of an equal number of ſubjects of the two factions, one party refuſed to approve of the petition of the other. This exaſperated their minds to ſuch a degree, that the uſual factions aroſe, and proceeded to blows and to arms. They were ſeparated ſoon by the Florentine troops of cavalry and infantry, who were poſted as guards in Piſtoia, and obliged, without diſcharging their hatred, indignation, and rancour, to return to their houſes: there they prepared to give a freſh ſcope to their paſſions; and the Cancellieri, as the moſt powerful, cauſing to

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be taken out of the hands of the Panciatichi the fortreſſes they held, began anew to prepare for driving them altogether out of the ſtate of Piſtoia. The Panciatichi, penetrating the deſigns of the Cancellieri, did not delay to provide men, and each party, introducing men in the night, ſtood in hourly expectation of a favourable opportunity. On the 24th of February the Cancellieri, in three diviſions, fortified themſelves, with 300 men at the gate of Guidi, with 250 on the hill in the ſtreet of St. John, and with 250 in the ſtreet near St. Dominick. A party of the Panciatichi coming in from the country, occaſioned the battle to begin; but the Panciatichi out-numbered, and almoſt ſurrounded by their enemies, were compelled again to abandon the town with precipitation and diſorder. The panciatichi, thus expelled a ſecond time from the city, diſperſed in diverſe places on the plain; and the Cancellieri remaining as lords of Piſtoia, ſuddenly ſhut the gates and went with unbridled rage to plundering, burning, and deſtroying all the remaining houſes and ſubſtance of the Panciatichi. They robbed and burned the houſes of the Roſſi, Forteguerri, Colleſi, Radda, Bambolino, Doffo, Gualfreducci, as well as the Panciatichi, and many others. Meditating ſtill greater cruelties, they ran in great fury to the public palace, and all thoſe of the magiſtracy who were of the party of the Panciatichi, whom they could find, they moſt cruelly put to death. In this ſtate of things, thoſe who preſided over the adminiſtration of juſtice, ſupported by the Florentines, attempted to provide a remedy againſt new combinations, and made the tumultuous lay down their arms. To make an example, they hanged Puccino Puccini, whom they found guilty of the murder of the

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ſupreme magiſtrates; and declared rebels thirteen others, whom they condemned for high treaſon, for the contempt ſhewn to the ſupreme authority: theſe were driven out of Piſtoia, and fled to Montale. This rigour of juſtice, however, inſtead of reſtoring quiet to Piſtoia, ſerved rather to haſten its ruin; becauſe the Panciatichi fortified themſelves with baſtions of wood, well furniſhed with arms and men, near the bridge di Bonelle, by means of which they domineered over the whole city, and kept the minds of the Cancellieri in conſtant agitation, till the pride and ferocity of the two parties ſuffered not a day to paſs in the city or the country without rencounters, burnings, and ſlaughter. The Panciatichi being fortified at Bonelle, and other places of the plain, deliberated to make an exertion of all their poſſible ſtrength to deſtroy totally the contrary party: to this purpoſe, early one morning they ſeparated into ſeveral diviſions, traverſed that extenſive country by different routs, and after a few hours met all together at the aſſault of ſixteen houſes belonging to the Teſi, Mati, and other Cancellieri families, ſtripped them of the moſt valuable effects, and burnt the reſt to the ground. The Cancellieri haſtened in great numbers to prevent or repair ſo great a misfortune; but the fury and the ſtrength of the Panciatichi was ſuch, that, after having killed and wounded many, they obliged the reſt to fly. Their flight animated the Panciatichi to ſet fire without delay to all the houſes in that vaſt plain, and produced a conflagration, which the hiſtorian could compare to nothing better than the opening of one of the mouths of hell *.

* Sembrava eſſerſi aperta in quelle parti, una bocca di inferno. P. 394.

Piſtoia

Piſtoia being in this deplorable condition, deprived of all ſuccour and aſſiſtance, was full of people given up to a licentious way of living, without fear of divine, and much leſs of human juſtice, who committed continual inſolence and wickedneſs of every kind: wherefore many, knowing the great damage which reſulted to their country, inſtigated the general council to elect one of the wiſeſt and moſt learned citizens to adminiſter, with ſupreme authority, full and ſummary juſtice, to the end to find a remedy for ſo great diſorders, to extinguiſh ſo great a fire by puniſhing every fault, and reducing the people to the neceſſity of embracing peace and tranquillity. The council complied with the petition of the principal citizens of the place, and taking all authority from the podeſta and captain, gave the title of doge to Mariotto di Peraccino del Guida, a doctor of laws living at Porta Guidi, and gave him all the authority of the council itſelf. Mariotto aſſumed the government of the city, and conducted with ſo much rectitude, that no man could complain of his partialty, and introduced as much tranquillity into the city as he excited jealouſy in Florence. But the Cancellieri, as thoſe who had been the occaſion of the exaltation of Mariotto, deſirous of demonſtrating their ſuperiority in every affair, ſoon gave occaſion to the general council to apprehend freſh evils. They therefore appointed for the doge three of the wiſeſt and moſt prudent citizens for his counſellors, that, amidſt ſuch dangers, he might be animated and aſſiſted not to relax in repreſſing the pride of reſtleſs ſpirits, and that he might be more ardent in reducing the people to order and quiet. All theſe endeavours, however, availed but little; for Jacopo Savello

coming to Piſtoia with an hundred men in arms, on foot and on horſeback, in aid of the Cancellieri, theſe determined to go out in ſearch of the Panciatichi. Uniting three hundred men to the ſoldiers of Savello, they iſſued out of the city in two ſquadrons, one of which went to aſſault the houſes of the Giacomelli, and the other went towards Badia à Pacciana, where having routed an hundred cavalry of the Panciatichi, they returned to unite with the other diviſion, and both went to work to rob the houſes of all that was good for any thing, and then to ſet them on fire, and put the inhabitants to the ſword. In the mean time the party of the Panciatichi, numerous in armed men, marching ſuddenly in front of the enemy, thought to revenge themſelves for their paſt defeat, by the total extermination of the Cancellieri: but becauſe the river Ombrone, which lay between, hindered the two parties from coming cruelly to a battle, there enſued frequent ſkirmiſhes on its banks, which by length of time terminated to the diſadvantage of the Cancellieri, and was the reaſon that, intimidated by the force of the contrary party, they haſtily retired, with Jacopo Savello, towards Alliana, and in the confuſion abandoned the greateſt part of their arms. The general depredation had ruined the crops, and the country was afflicted with a ſevere famine, which obliged Savello to leave Piſtoia.

The Cancellieri of Cavinana, deſirous of reſtoring to Igno the Cancellieri their companions, who had been baniſhed from thence, aſſembled a body of men, who united with two hundred and ſixty perſons, on horſeback and on foot, who came out to their aſſiſtance from the city, advanced to make trial of their ſtrength; but meeting with their fellow

fellow factionaries from the mountains, and making up five hundred foot, and one hundred horſe, they all directed their march towards Pitellio, and encamped near the old pariſh church, where they waited two days the arrival of other forces, to make an united aſſault upon the caſtle: but not ſeeing them arrive, and fearing that ſuccour might come to the Pitellians from their friends in St. Marcello, they laid aſide their meditated enterprize, and returned to their places.

The Panciatichi of the mountains, finding themſelves diſturbed by the Cancellieri, thought it a duty to revenge themſelves; and collecting for that purpoſe one hundred and fifty men at Cutigliano, began to ſcour the country and commit depredations. They were encountered with a great booty, and a ſharp engagement enſued, and, after three hours, the Panciatichi thought it convenient to leave their prey, and retreat, to ſave their lives, to Lizzano. The Cancellieri having recovered their property, and obſerving the retreat of the Panciatichi into certain houſes of Lizzano, marched into it. Then the Panciatichi of Lizzano, for fear of the contrary party, who were increaſed to five hundred perſons, and thinking to ſave their property and the furniture of their houſes, depoſited them in the church and its ſteeple, to which alſo the women and the men retired. The Cancellieri arriving in Lizzano, and finding all the houſes abandoned, pillaged all that was left in them, and then burnt them. They then laid ſiege to the church and ſteeple in ſo cloſe a manner, that there was no ſpace left for the Panciatichi to eſcape. The Cancellieri ſent notice to their conſorts in the city, country, and mountains, to ſend them immediate ſuccour, that they might have dead, or priſoners, their confined enemies. One

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thouſand five hundred men appeared, and took away from the beſieged all hope of aſſiſtance. In this deſperate ſituation there was no propoſal of ſurrender or capitulation. The Cancellieri, repeatedly aſſaulted their enemy; but theſe obſtinately defended themſelves, and often wounded the aſſailants. Theſe at length renewed the enterprize by fire, and attacked both the church and ſteeple in that manner. Thoſe in the church could no longer endure the raging flames, and all retired into the ſteeple. This place not being capacious enough for all, many were ſuffocated with the heat and ſmoke. The Panciatichi, reduced to this ſtate of miſery, were by ſome of the Cancellieri promiſed their lives, if they would ſurrender. Eighteen of the beſieged took advantage of theſe fair words; but ſcarcely were they in the power of their enemies, when they were perfidiouſly put to death: none of the reſt would ſurrender, but reſolved to periſh in the balcony. The beſiegers, ſeeing this courageous reſolution, increaſed the fire under the balcony in ſuch a degree, that the flames ariſing around and above it, many of the poor wretches within it, tormented with ſmoke, and heat, and pain, ſunk under their miſery; and the more they deafened the ſquare below with their cries; the more their inhuman enemies exerted themſelves to diſtreſs them.

The party of the Panciatichi of the plain, adviſed of theſe miſeries in which their friends of the mountains were involved, and not able to endure the horrid exceſſes which were committed, expedited under the command of Toſo, the brother of the captain Franco Gori, at once to Pupillio four hundred infantry, and one hundred cavalry, who giving notice to all the factionaries of the mountains, that they might come to the relief of their friends

friends, in a ſhort time had an army of a thouſand men and more, beſides a large number of cavalry. Taking poſſeſſion of proper poſts, and making ſuitable fortifications, Toſo, by a great ſhout, gave a ſignal of the ſuccour arrived to the poor victims beſieged in the balcony. The Cancellieri, when they diſcovered this reinforcement, ſent parties ſuddenly to repulſe them, who found them ſo well fortified, that any attempt againſt them muſt be ineffectual. Succours from all parts arriving to the Panciatichi, the Cancellieri found it neceſſary to raiſe the ſiege, and retire without riſking a battle. The beſieged who ſurvived the pain, hunger, and other miſeries, came out of that ſteeple and balcony, where more than one hundred and twenty were found dead by the heat, thirſt, and hunger; and their liberators not caring to purſue their fugitive enemies, only ſet fire to their houſes, by which new conflagration there was not an houſe left in theſe two beautiful villages which was not burnt and demoliſhed.

The Panciatichi having vindicated the wrongs done to their conſorts, took the road of St. Marcello, to return to the plain; but one hundred and fifty of them deviating without military order, they were unexpectedly attacked by the people of Calamecca, and not being able to defend themſelves, they found it convenient to ſave their lives by taking their flight in the night. This event inſtigated the Panciatichi to multiply their forces, to deſtroy entirely the contrary party, and to this purpoſe hiring troops from Ferrara, Modena, and Lucca, brought together four hundred infantry, and one hundred cavalry, and theſe increaſing daily, gave occaſion to the Cancellieri to prepare for new battles, and the whole country was ſo excited,

27154

cited, that both parties making great preparations for war, nothing remained to be hoped for but to ſee the utter ruin of thoſe places. In this miſerable ſtate of things, Louis king of France excited the Florentines to interpoſe. They elected thirteen commiſſaries, and gave them full power. Theſe prohibited all to wear arms, and cited all the heads of the factions, both of the Panciatichi and Cancellieri, in the city, country, and mountains, to appear at Florence on the 20th of Auguſt. Of the heads of the Panciatick faction, who appeared at Florence in obedience to the order, were ſix of the principal men of the Panciatichi family, four of the Colleſi, four of the Biſconti, ſeven of the Brunozzi, three of the Gherardi, and four of the Roſſi: Bartolomeo Panciatichi, M. Goro Ghieri, and captain Guiliano Gherardi, with ſeven others refuſed to go, and incurred the penalty of baniſhment as rebels. Of the heads of the Cancellieri party, appeared in Florence in obedience to the citation, two of the Cancellieri, three of the Gatteſchi, three of the Ambrogi, eight of the Perraccino, three of the Melocchi, three of the Tonti, and five of the Odaldi; nine refuſed to go, and were declared rebels. Six of the heads of the Panciatichi on the plan appeared, and four of thoſe on the mountains, and an equal number of the Cancellieri from each. As ſoon as they appeared in Florence, ſeven of the Cancellieri, and ſix of the Panciatichi, were committed to priſon, and all the reſt forbidden to leave Florence on pain of baniſhment as rebels. The Florentine commiſſaries then took all public offices, and the public revenue, out of the hands of the Piſtoians, and impoſed heavy fines on the leaders for breaking the peace. Upon examination it was found, that more than four hundred

hundred houſes had been burnt in the city, and more than ſixteen hundred in the country.

The rigour of the Florentines preſerved the peace but a ſhort time, for in the next year the two factions of the Cancellieri and Panciatichi broke out into another civil war, as violent and deſtructive as ever. But let us paſs over the particulars, and mention only a few circumſtances.

The Florentines again made peace in Piſtoia by their commiſſaries, impriſonments, fines and other ſeverities, which the Piſtoians were too much exhauſted to reſiſt. In 1505 the Piſtoians petitioned Florence to be reſtored to the honours, offices, and revenues of the city; and it was granted.

The Piſtoians were ſuch friends of the houſe of Medici, that they had the addreſs to eſcape, at the time when the Spaniſh army invaded Prato, and committed ſuch cruelties and devaſtations there.

John di Medici was made pope, and aſſumed the name of Leo the Tenth, and the Piſtoians made ſuch rejoicings upon this occaſion, and ſent ſuch congratulations by their ambaſſadors to the pope, and to Julian his brother, and Lorenzo his nephew, as recommended them to favour.

In 1514 the families of Panciatchi, Cancellieri, Ricciardi, Gualfreducci and Vergioleſi, who in 1369 had been prohibited to have, obtain, or exerciſe the offices and dignities of the city of Piſtoia, its country, or mountains, ſupplicated, with others, to be admitted to public offices and honours. Their petition was repeatedly rejected by the council: but at length, by the influence and interceſſion of the people, Leo the Tenth, they, their children, and deſcendants, were reſtored and admitted to all the honours demanded. Is there in hiſtory a more curious fact? Theſe families were,

were, by an oſtinate, arbitrary, and ſtupid law, excluded from all offices and ſhare in government; yet it was impoſſible to eſtabliſh a government that could controul them, and they diſpoſed of all offices, and the whole government, divided as they were into two parties, ſtruggling for the whole time, and butchering each other, that one of them might rule the whole.

Some ſparks of malignity remained concealed in the minds of the factionaries, the Panciatichi and Cancellieri, which in 1515 broke out in a furious flame, and extended into the plain and the mountains. From tumults and murders both parties proceeded to make preparations of men and arms, to revive the civil wars in all their horrors. But the Florentines, that is to ſay the Medici family, interpoſed with ſuch energy, as reſtored the public tranquillity; in order to preſerve which they drew off many of the turbulent ſpirits, by taking them into their ſervice as guards, &c.

After the death of the emperor Maximilian, Charles of Auſtria, king of Spain, was elevated to the throne of Cæſar, and was called Charles the Fifth. Upon this event the Piſtoians expected ſome innovations, but the emperor was prevailed upon, by Leo the Tenth, to make no change in the government of Tuſcany: on the contrary the emperor confirmed to the Florentines the privileges of their ſtate, authority, and lands, which they were in poſſeſſion of.

Guilio de Medici was ſeated on the pontifical throne, and called Clement the Seventh. The Piſtoians did honour to his elevation by great rejoicings, and by an embaſſy of congratulation; which produced a letter from the pope full of paternal

ternal affection for the city of Piſtoia, and abounding in praiſes of the citizers who compoſed it.

The aſendency of the Medici family was not, however, ſufficiently eſtabliſhed to prevent a civil war from breaking out again in Piſtoia between the Cancellieri and Panciatichi: an obſtinate battle was fought between them, which laſted ſeven hours, and the Panciatichi were again obliged to leave the city, and go into the country to their uſual miſchief. They returned in a ſhort time with additional force, fought the Cancellieri again, and obtained a victory, not without a multitude of killed and wounded on both ſides. After this new tumult many orations were inſtituted in Piſtoia, to obtain the extirpation of civil diſcords. The inſurrection was ſoon heard of in Florence, and Niccolo Capponi, whoſe prudence was eſteemed equal to his valour, was ſent as commiſſary, with an army to ſuppreſs it. With great difficulty, and much ſeverity, he ſucceeded to make a peace, or a truce, between the two parties.

But in 1527 the ſame factions revived their hoſtilities, but the leaders were ſeized and ſent to Florence, and impriſoned, and mulcted in fines ſo ſevere as intimidated others. Charles, duke of Bourbon, with a large army of Spaniards and Germans, approached the Alps of Tuſcany, and threw the Piſtoians into an uncommon agitation; but a great fall of ſnow obliged him to divert his courſe from Piſtoia to Rome.

The Florentines having, in 1527, baniſhed the Medici, and taken down, with great impetuoſity, the arms of that family from every place in the city, Charles the Fifth, in 1529, took upon himſelf the obligation of re-eſtabliſhing entirely that family in that city: and to this end he commiſſioned Filibert, prince of Orange, to lay ſiege to

Florence with a large army of Italians and Germans. The Florentines made great preparations for defence, not only of their city, but alſo of Piſtoia. They ſent into it five companies of infantry, and placed each gate of the city under a company, and the piazza under the fifth, all under commanders in whom they had confidence. But all theſe exertions of the Florentines for the ſecucurity of the city of Piſtoia, and to maintain it at their devotion, appeared, even to themſelves, to be vain and of little moment, if the good-will of the two factions of the Panciatichi and Cancellieri could not be obtained: and as the Cancellieri were already naturally inclined to their views, they courted and complimented the Panciatichi as the moſt powerful, and as the adherents to the Medici; and to accompliſh their purpoſe, they called to Florence ſome of the heads of that party, and admitting them into their council of war, affected a great eſteem for their judgments and opinions in things of the greateſt importance. The Panciatichi in Piſtoia, however, having the greateſt ſhare of influence, by the favour of the pope and the Medici family, placed little confidence in thoſe who at this time had the ſway in Florence; they therefore created a new magiſtrate over all affairs of the war, and gave him ample authority to do every thing for the advantage of the city. This magiſtrate eſteemed the five companies inſufficient for the defence of the city, and ſent to Florence for more; but he was anſwered that the troops of Charles the Fifth were approaching to lay ſeige to Florence, and that the forces of their enemies increaſed every day, ſo that they had enough to think and to do for their own defence; that the Piſtoians muſt therefore make uſe of the means they had for their own ſalvation: and to this

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end they gave orders to their commiſſary, who reſided in Piſtoia in behalf of the commons of Florence, that he ſhould releaſe freely into the hands of the Piſtoians the balia of their city, that they might both govern and defend themſelves; and to their ſoldiers, poſted as guards, to return with all poſſible expedition to Florence. Theſe orders of their principals were ſuddenly executed by the commiſſary and podeſta. Piſtoia remained free from the yoke of the Imperial vicars, provided itſelf with men, arms, and proviſions: but dreading the army of Charles the Fifth on one ſide, and the Panciatichi at leaſt courting the Medici, they ſent four amdaſſadors of the Panciatichi party to offer the keys of the city to the pope, and pray his interceſſion with the emperor that his army might not enter their territory. Many of the citizens, intimidated by the uncertainty of the times, abſented themſelves. The oppoſite party prevailed too in another meaſure, the appointment of ambaſſadors to Florence to obtain a re-conſideration of their reſolution. This produced ſuch a rage in the Panciatichi party, that one of the ambaſſadors, Tonti, was aſſaſſinated, and a riot inſtantly enſued, in which eighteen of the Cancellieri loſt their lives, and the whole party was driven out of the city, and their houſes plundered and burnt, particularly the celebrated palace of that family near St. Luke's. The principal actors in this miſchief made a rich booty of money and jewels, fled to Bologna, where they were moſt graciouſly received and pardoned by the pope.

At this time followed the real extinction of the faction of the Cancellieri; becauſe the Panciatichi, favourites of the pontiff, as adherents of the houſe of Medici, aſſumed ſuch vigour, that enraged not only againſt

againſt the Cancellieri of the city, but of the country, both on the plain and in the mountains, they ſacked, burnt, and deſtroyed, the greater part of their houſes, ſpreading ruin and devaſtation as they went, in Cavinana, Lanciole, Caſtigliano, Spignano, and all the other caſtles and poſſeſſions of the Cancellieri. The people of Serra, followers of the Panciatichi, burnt the caſtle of Calamecca, which held for the party of the Cancellieri; theſe were ſo inflamed with reſentment, that, with the help of ſome companies of Lombards, they compelled their enemy to fly, ſome of whom retreating, to ſecure the church of Creſpole, were there beſieged, and finally all put to death: others retired to the balcony, and there fortified themſelves, ſo as to hope to eſcape the fury of their perſecutors, but in vain, for the aſſailants, diſappointed of their vengeance by the ſword, reſolved to obtain it by famine. The Panciatichi being reduced to this ſtate, one of their moſt daring ſoldiers, named Appollonio di Dante, to deliver his companions from the hands of their enemies, precipitated himſelf from the tower, and his cloak taking the wind, he deſcended with no other injury than a ſlight hurt in one of his arms. Running firſt to Serra, and then to Piſtoia, he excited one of the Colleſi to march, with a good body of ſoldiers, to the relief of the beſieged. After this, Pitellio, Pupillio, and Mammiano, by revolting to the party of the Panciatichi, ſuffered no other damage than the loſs of a multitude of their inhabitants, who were chaſed from their habitations as adherents to the Cancellieri.

The pope, Clement the Seventh, accepted the gift of the city, and by a letter or charter, directed to his beloved ſons the priors, gonfalonier, and people of the city of Piſtoia, ſent his pontifical com-

commiſſary to take poſſeſſion. The Panciatichi had now exterminated the Cancellieri, and obtained the power of governing; but it was at the expence of ſubjecting both themſelves and their country to a foreign power and another rival family.

Charles the Fifth, the 28th of October, 1530, conſtituted Alexander de Medici governor, not only of Florence, but of all Tuſcany, to the extreme joy and ſatisfaction of Clement the Seventh. Thus pope and emperor, Guelphs and Ghibellines, Bianci and Neri, Panciatichi and Cancellieri, were at laſt all brought to unite, as all ſuch conſtitutions of government ever have united, at laſt, in a government of all authority in one centre, but that centre a worthleſs, however artful, deſpot.

The Piſtoians were in hopes, that at leaſt under an abſolute prince they might enjoy a little tranquillity: but in 1531 the uſual diſguſts between the two factions of Panciatichi and Cancellieri began to ſpring up. Although the former, by the partiality of the houſe of Medici, were indulged in all their caprices, yet finding themſelves now increaſing in ſtrength, nothing would ſatisfy them but the total expulſion from the city, and the complete deſtruction, of all that belonged to the Cancellieri. Tumults and ſlaughter aroſe, and no man had the knowledge or the will to provide a remedy.

Alexander de Medici took poſſeſſion of his principality in Florence, and great rejoicings were made in Piſtoia, and four ambaſſadors ſent to preſent the congratulations of their city, and recommend it as having been always faithful lovers of his family. The forty-eight ſenators, inſtituted in Florence this year under Alexander, pacified the two factions of Panciatichi and Cancellieri, and thoſe perſons and families who remained

mained of the latter faction returned to the city, to the joy of all.

Alexander diſtinguiſhed Piſtoia from all other places under his dominion, for its great affection and ſweet love to his family, by giving orders that all the buſineſs of Piſtoia ſhould be addreſſed immediately to himſelf in perſon.

Charles the Fifth having determined the untruth of the accuſations of tyranny brought againſt Alexander de Medici by the Florentine exiles, made a viſit to Piſtoia, where he was received and entertained in the public palace.

Alexander took it into his head that commiſſaries and governors were deſtructive to a ſtate, and therefore aboliſhing the office, he diſarmed the inhabitants as inclined to tumults, and deſtined ten noble Piſtoians to govern their city. On the 6th of January, this year, Alexander was aſſaſſinated by Lorenzo, and Coſimo ſucceeded. When the news of this aſſaſſination arrived in Piſtoia, the heads of the Panciatichi party aſſembled, and, after mature deliberation, concluded that the preſent was a convenient opportunity for deſtroying totally all remnants of the Cancellierian party. To this purpoſe they excited an inſurrection of all their factionaries, under colour of maintaining the city of Piſtoia in its devotion to the houſe of Medici. They made leaders of Gio. Colleſi and ſome others, and with a great multitude ſcoured the city, and in a very ſhort time aſſaſſinated fifteen. Many others, hoping to ſecure themſelves, took poſt in the fortreſſes, but, betrayed by the commanders, who let in the Panciatichi, they were miſerably deprived of their lives. The partiſans of the Cancellieri, ſeeing that they could not reſiſt the fierce aſſaults of the contrary faction, went to hide themſelves, ſome in the towns, ſome

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in the monaſteries, and others in ſubterraneous places; others went out of the city, found a leader, and hazarded a battle with their enemies, in which many were killed, and others afterwards burnt in ſteeples. Many, who had foreſeen ſuch an event, had before retired to Montale and Montenurlo, places of their faction: ſo that the Panciatichi remaining dominators without controul in Piſtoia, ſacked, burnt, and deſtroyed all the houſes, ſhops, and ſtores, which remained of the contrary party in the city.

Coſimo the Firſt had aſcended the throne of Tuſcany, and ambaſſadors were ſent from Piſtoia to congratulate him. At the ſame time the factionaries of the Cancellieri, who had taken refuge in Montale, conſtituting their leader the captain Guidotto Pazzaglia, their compatriot, and a head of the Cancellierian faction (whom, though aged, and weakened by ſo many military fatigues, was retired to his eſtate called the Houſe in the Wood*, fortified by a thick and high wall, and defended by a high and ſtrong tower) they intreated him to engage in their defence, and obſtruct the approaches of the Panciatichi. Pazzaglia took under his command all the factionaries of his party, and, by a ſecret correſpondence which he had with Philip Strozzi, increaſed his numbers to four hundred men, whom he quartered in his own habitation. From this poſt they took the licence to go out frequently to the annoyance of the Panciatichi, and gave them much diſturbance and many apprehenſions. The Panciatichi, to make a diverſion and a diviſion of the forces of the country party, which every day increaſed in power, went and commenced a cruel warfare with

* La Caſa al Boſco.

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the Cancellieri of Cavinana. Theſe were made uneaſy, and retired to their ſteeples, where they made a brave defence. At this time the commiſſary took the reſolution of bridling the parties by authority and with rigour: but the Panciatichi, who were more than a thouſand men in number, in contempt of juſtice, and ſparing neither age, nor condition, nor ſex, executed in a ſhort time a cruel vengeance on their adverſaries by fire and ſword; and going on every day increaſing in ferocity, they increaſed their murders, rapines, and fires, till they reduced Cavinana, St. Marcello, Creſpole, Calamecca, Lanciole, Pupillio, and other places, to horrid ſpectacles of deſolation. Many of the Cancellieri, perceiving that fortune was not favourable to them, retired to the pariſh church of Cutigliano, and there fortified, ſtood upon their defence, without loſing their preſence of mind, waiting from the brave captain Luca Giacomelli ſome convenient ſuccour, by which they might once attempt an attack upon the rear of the Panciatichi, who, to increaſe their power both in numbers and ſituation, had taken a poſt very near them. Theſe diſorders were very diſpleaſing to the duke Coſimo de Medici, and he took great pains, by means of his commiſſary, to reſtore quiet to the Cancellieri, to which the Panciatichi at length conſented. Nevertheleſs the church was ſcarcely opened, when they fell into ſuch a furious rage, that they fell upon every one of the Cancellieri, and cut them to pieces. Coſimo was not diſcouraged, even by this outrage, from uſing other means to reſtore quiet to Piſtoia, and at laſt reduced ſome part of it to good order. But the faction of the Panciatichi, having no longer any of the Cancellieri on whom to vent their rage, turned all their hatred and indignation againſt

againſt one another. The faction became divided into two, which ruſhed into ſuch perſecutions of each other, that innumerable quarrels and murders ſucceeded. The example was followed among their connections in Florence, which gave occaſion to the rectors of that city, who dreaded greater diſorders, to draw the two parties to a truce. At the ſame time the duke Coſimo was exactly informed, that the captain Pazzaglia received daily additions to the numbers in his houſe: by the aſſiſtance of Philip Strozzi, and the other exiles, many were induced daily to go into his ſervice, and increaſed the terror which they had of this great captain. Deſirous of providing againſt every ſiniſter event, which he foreſaw might occur, not only from the great number of men who were aſſembled at the Houſe in the Wood, but from the thouſands of men which Pazzaglia at the ſound of a bell was able to raiſe, the duke, after having in vain attempted to gain him by means of ſome friends, ſent Otta da Montauto, with a thouſand infantry, to attack the Houſe in the Wood, and make priſoners of its garriſon. Montauto by forced marches ſat down before the place, but diſcovered early by Pazzaglia, who, always vigilant, ſaw every thing, and thought of every danger, he was fiercely repulſed. Montauto preceiving the enterprize to be difficult which he had thought ſo eaſy, ſent to his brother Frederick, who commanded the guards in Piſtoia, for immediate ſuccour. The prompt arrival of this aid alarmed Pazzaglia, who finding himſelf beſieged by a great number of ſoldiers, and not hearing the bell of Montale, which he had ordered one of his officers to ring, to aſſemble the aſſiſtance he expected from that and other places, he ventured out of his habitation, clothed and armed like a ſol-

dier, and with a joyful countenance went to meet his beſieger, and demanding ſafety for himſelf and his ſoldiers, put himſelf into his hands. Montauto received Pazzaglia with a ſmiling countenance, and knowing him to be humane, generous, and polite, he knew not how to refuſe his command. They both entered the Houſe in the Wood, where they refreſhed themſelves ſo ſplendidly, that Montauto, admiring ſtill more the greatneſs of ſoul of Pazzaglia, could not without tears conduct him to the preſence of the duke. Coſimo had enough of policy as well as generoſity to receive him like an intimate and confidential friend. He took him to his moſt confidential conſultations, and decided on no affair of ſtate without his advice. The duke, perceiving that the ten noble Piſtoians, deſtined to govern the city, had not fulfilled the obligations enjoined upon them, nor preſerved good order, reſtored the uſe of the ancient offices of Podeſta and commiſſary. He promoted to theſe offices men of moderation as well as of ſpirit, and thought by their means to remedy all diſorders; but there ſtill remained enough of the citizens inclined to quarrel, to keep the city in tumults, and to vilify all juſtice.

Niccolo Braccioli had inſinuated himſelf into favour with the duke, by having revealed to him a conſpiracy of the Salviati, Rodolfi, Strozzi, and Valori, and was appointed to the command of certain companies of infantry which were in garriſon there. This officer, recollecting that Franceſco Brunozzi had been averſe to include him in the laſt truce made between the factions by the mediation of the Florentines, conceived the deſign of taking a rough revenge of all the Brunozzi family. For this purpoſe he put himſelf at the head of his adherents, collected a conſiderable body

body of armed men, beſides thoſe which Gio. Colleſi held concealed in his houſe ready for any orders of Braccciolini, went through the city in ſearch of Brunozzi, and having found him, deprived him of his life. He proceeded to ſet fire to his houſe, and all the other houſes of the family, but was obliged to get poſſeſſion of them at the point of the ſword. The Brunozzi made a brave defence, but were inferior in numbers, and three ſons of Franceſco were left dead, and the reſt fled to ſome obſcure place. Not ſatisfied with this, Bracciolini proceeded to the country houſes of the family, with a ſoldiery as tyrannical as himſelf, and there committed all imaginable cruelty, burning and deſtroying every thing. For this cruel revenge he was afterwards condemned to pay to the ſurviving Brunozzi only two thouſand five hundred ducats for damages. At the ſame time many exiles from Florence, deſirous of depoſing from the throne of Tuſcany the duke Coſimo de Medici, in order, as they pretended, to ſet their country at liberty, collected together at Mirandola four thouſand infantry, and three hundred cavalry, and gave the command of them to Piero Strozzi, who took for his colleague Baccio Valori, and came with one diviſion towards Piſtoia, and halting at Montemurlo, waited for the reſt of the army. The party of the Cancellieri, who there expected them, received them with tranſports of joy; and having repaired the fortifications, and furniſhed the cattle with every neceſſary, they all, being fifteen hundred men in number, thought of nothing elſe but doing infinite miſchief to the party of the Panciatichi. They burned Satornana, Valdibura, Uzzo, and Capo di Strada, carrying off from all places a rich booty. Making no account of the government of Florence,

rence, the Cancellieri made all their efforts to reenter Piſtoia, and the exiles from Florence had no other view than to deliver their country from the government of the Medici; ſo that all were agreed to aſſemble men, provide arms, and collect money, that they might be able by force to wreſt the command from the duke Caſimo. That ſovereign informed of this, and that thoſe in rebellion againſt him were with much ſolicitude fortified, every day increaſed in force, and did very great damage, ordered Alexander Vitelli, Otto da Montauto, and Piero Pipicciano, that in the night they ſhould depart from Florence with their troops, with three thouſand Spaniards, and two regiments of Germans, and go to the aſſault of Montemurlo: and that the force of the enemy might be diverted and diſunited, he ordered the captain Frederick da Montauto, then in Piſtoia, to unite the force of his companies with thoſe of the party of the Panciatichi; and the ſame night, with cries and fires ſpread terror in the neighbourhood of Montemurlo, that the party of the Cancellieri might be neceſſitated to abandon it. The party of the Panciatichi, adhering in all things to the will of the duke, united with the forces of Frederick da Montauto, and in a dark night ſet all in an uproar the country of Alliana, and from thence went to burn the houſes of the abbey of Pacciana. Setting fire to a multitude of ricks of hay and ſtacks of corn belonging to the common people, they conſtrained the captain Bati Roſpiglioſi, the captain Franceſco Gatteſchi, the captain Franceſco Arferuoli, the captain Luca Giacomelli, with many others of the exiles, to abandon Montemurlo and the neighbouring places, to go and ſuccour their factionaries of the abbey at Pacciana. A ſevere and obſtinate battle enſued, in which, in the end, the

the Panciatichi were ſuperior, with the death of ſixty perſons of both parties, among whom were numbered the captain Mattana, with five ſoldiers of Cutigliano, who were enough to put in doubt the victory. The head of Mattana was carried to Piſtoia, and, amidſt the exultations and rejoicings of his adverſaries, carried to the piazza as a ſpectacle to all. This detachment of the exiles being at break of day, the 1ſt of Auguſt, 1537, defeated, Vitelli and Montauto, knowing that the principal heads of the rebels were in the caſtle, went to the attack of Montemurlo, and finding it in all parts ill manned, they animated their people, and aſſaulted the fortreſs, which, after a reſiſtance of five hours, was carried. Pietro Strozzi, attempting to make his eſcape, fell into the hands of the beſiegers; a thouſand men of both parties were ſlain, and Philip Strozzi, Baccio Valori, Franceſco degli Albizzi, and many others, were conducted priſoners to Florence, where, as rebels both to the ſtate and the empire, they were put to death. This was the eſtabliſhment and the baſis of the grandeur of Coſimo the Firſt de Medici, who afterwards, on the 30th of September, obtained a moſt ample diploma of the emperor Charles the Fifth. Upon this memorable victory the Piſtoians congratulated the duke with an exceſs of joy by their ambaſſadors; and the party of the Panciatichi, who had rendered all poſſible aſſiſtance, recollecting that the Cancellieri of the Houſe in the Wood had taken refuge in the pariſh church of Cutigliano, when that place was ſacked by the captain Vincenzo di Poggio, and the proud towers which were there were ruined to the foundation, they now haſtened with ſuch ferocity to the aſſault of that church, that, after a long and good defence, the beſieged, without hope of ſuccour, ſurrendered at diſcretion

diſcretion to their enemies, who uniting with thoſe of Valdibura, of Cireglio, and of Uzzo, their adherents, burned of the Cancellieri more than thirteen hundred houſes in the commons of Bigiano, in the abbey of Pacciana, in Chiazzano, Satornana, Calamecca, Creſpole, and Lanciole.

The emperor preparing in Lombardy for battle againſt Francis the Firſt, king of France, and relying on the valour of Piero Strozzi, general of the Italian infantry, the Piſtoians were agitated with fears, and made great preparations for defence.

The controverſy between Piſtoia and Lucca, about the boundary between them near Pupillio, being adjuſted, the duke Coſimo was deſirous of eſtabliſhing the peace of the city; and for this object, with menaces and efficacious admonitions, he did not ceaſe to preſs the obſtinate citizens to ſubmit to a regular life, and reduced their affairs for once to good order and a ſtate of tranquillity: but as the Piſtoians, in their unbalanced ſtate, had no other conſolation than to ſtand immerſed in diſſentions, quarrels, and diſcords, they gave no attention to the ſovereign councils, but went on more tumultuous, wicked, and ſeditious, deſtroying the good order of government, reducing every thing without controul, to the advantage of their private intereſts, and the wantonneſs of their wild caprices*. The indignation of the duke was at laſt excited againſt theſe obſtinate brains, whom he thought it his duty to tame, by taking from them all the honours, public offices, and revenues of the city, as well as the inſtitutions of charity, and to ſhut up the palace, the reſidence of

* Sempre piu tumultuanti, e facinoroſi, e ſeditioſi, queſtando il buon ordine del governo, riducevano quello, ſanza freno, ai vantaggi dei propri intereſſi, e diſordinati capricci.

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the ſupreme magiſtrates. With this view he elected four commiſſaries for the affairs of Piſtoia, and gave them full authority to fulfil his determination. All this was ordained and eſtabliſhed at the inſtigation of certain citizens of Piſtoia, and rendered vain all the efforts of the people: ſince, by the tenor of the ſovereign command, all the magiſtracies and offices of the city were ſuppreſſed, and the adminiſtration of all the revenues and inſtitutions of charity was conſigned to Taddeo Guiducci, and Chriſtopher Ranieri, with the title of Proveditors General, who received into their poſſeſſion all the moveables of the bublic palace, and the ſupreme magiſtrates who had reſided in it were diſmiſſed. Six citizens were deputed, with the title of Proveditors of the Commons, to whom the palace was committed: theſe, with the reſident commiſſary, and not otherwiſe, aſſembled to treat of the affairs of their city. Theſe having held the office a certain time, it was permitted to the Piſtoians to draw ſix ſubjects from a purſe deſtined to that uſe; but the duke apprehending that theſe new regulations would excite inſurrections, he ſent a body of ſoldiers only three hundred and fifty in number, to diſarm the citizens, and rein-in the ſeditious and the wicked; amplified the fortifications, and furniſhed them with every neceſſary.—Many of the Piſtoians now conſidered themſelves as ſlaves, and thought their nobility debaſed by the privation of all the honours, public offices, and revenues: they thought it inconſiſtent with the dignity of their blood to lead a life ſo obſcure and inglorious: many therefore retired from the city, and went to inhabit in other places; hence the city was in danger of depopulation, became defective in many arts of convenience and neceſſity, and nothing

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was heared but ſighs, groans, and lamentations. The few inhabitants who remained, knowing the great damage which had reſulted to their country from this reſolution of the duke, were never ſatisfied with venting their reproaches and curſes againſt thoſe who had adviſed it; and they would have attempted more ſuch great things as compoſe the whoſe hiſtory of their country, if many had not been diſheartened by the rigour of the new government.

All the ſoldiers in garriſon at Piſtoia being, in obedience to the orders of the ſovereign, gone, with all thoſe in the ſtate of Florence, to make their honours and acclamations on the happy marriage of the duke Coſimo with Leonora, the daughter of don Peter of Toledo, marquis of Villa Franca, and viceroy of Naples, the Cancellieri eſteemed the opportunity convenient to riſe and take vengeance on the Panciatichi. As all the ſoldiers and many of the citizens, were gone to Florence, the Cancellieri, reſolved to enter the city in the night, and kill all the Panciaitchi, without pardoning or ſparing one, that there might not remain the leaſt memorial of them. They hired people from various places, of every quality, and ſome of the moſt brave, intrepid, and deſperate; and having gained over to their party many in the city, that they might, at a critical moment, open the gates, they introduced, in ſmall numbers at a time, many of their moſt deſperate men, and quartered them, in perfect ſecrecy, in the houſes of their adherents and partiſans. They elected for their captain Gio. Tonti, who entered the ſervice in the night of the 15th of June, and put in order more than four hundred ſoldiers, and marched with them to the gate of St. Mark, at Piſtoia, where the walls were loweſt.

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gave the concerted ſignal to thoſe within, that with their knowledge he might enter the city unknown to their enemies. At the ſignal of Tonti, thoſe who were upon the walls let down ſuddenly one of their men, with orders to ſay to thoſe without, that they had waited for hours, and becauſe day approached, many had retired to their houſes for fear of a diſcovery; and that therefore it would be adviſable to delay the enterprize till the next night. Hearing this, Tonti ſent immediately one of his aids to deſire thoſe upon the walls not to depart, and inſtantly conſulting his colleagues, he found but one for waiting till the next night. Tranſported with impatience, Tonti at once cried out to his ſoldiers, "Now is the "time to ſhew our courage!" and placing a ladder againſt the wall, mounted to the top, and haſtily moving his ladder to come near a certain ſtone, in order to leap out upon the wall, he fell with it into the ditch. His people hearing the noiſe of his fall, but not ſeeing, by reaſon of the thickneſs of the air, what had happened, they ſuſpected that they were diſcovered, and that Tonti had been repulſed by the contrary party. Thoſe therefore who had aſcended on other ladders turned back, and gave themſelves to flight, very few remaining for the defence of Tonti; among theſe the moſt ſpirited and the moſt faithful preſſed to ſee what had happened, and diſcovered Tonti, with one thigh broken, half dead in the ditch: underſtanding the truth from him, they placed him on a ladder, and with the aſſiſtance of his brother, carried him to a houſe in the neighbourhood as a place of ſecurity. In this unfortunate circumſtance, Simon Gatteſchi, and Philip Ghelardini, perſons of great zeal and activity, prepared to carry on the enterprize.

Confiding much in the aſſiſtance of thoſe in the city, they haſtened early, with thirty followers, to the gate of St. Mark, and finding it open, entered the city, and marched to the piazza. As many of the Panciatichi as they found they killed, which raiſed a great uproar in the city, and intimidated the people ſo much, that all retired to their habitations. The heads of the Panciatichi obſerving that the rioters were very few, and that none in the city gave them aſſiſtance, took courage, and making, by order of the commiſſary, a haſty collection of men, they began with theſe to purſue the others with ſo much ſpirit, that ſome of them fled out of the city; went towards Cireglio and Cavinana, there made a rich prey, and eſcaped into Lombardy. Others were taken and ſeverely puniſhed, and afterwuads all the accomplices of the conſpiracy were by a public proclamation declared rebels: thus ended the tumult. The commiſſary afterwards ordered to be arreſted many of the Cancellieri party, which was about fifty in number, held them three months in priſon, put ſome of them to the torture, by which he diſcovered the truth of the fact, and then ſet all at liberty, without condemning any.

All contradiction and oppoſition being ſuppreſſed, and the harveſt being plentiful, the Piſtoians thought no felicity ſuperior to theirs, and they thought it lawful to forget the paſt by immerſing themſelves in a ſea of pleaſures, by the allurements of which they were ſeduced into a very vicious and expenſive life.

Coſimo acknowledged that the privation of honours and offices had decreaſed the population of the city, diminiſhed commerce and the revenue, and therefore eſteemed it his intereſt, as well as that of the public, that the city ſhould be reſtored

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to its primitive ſtate. On the 30th of March, 1547, he granted in favour of the Piſtoians, all the honours and public offices, and all the privileges, which were eſtabliſhed in the year 1496, in the convention with the Florentines. The purſes were ſoon formed of the uſual magiſtrates, and all the perſons worthy of that pre-eminence and thoſe honours had their names imborſed, and the ſubjects were drawn with univerſal rejoicings.

The repreſentatives of the factions of Cancellieri, under the name of Dormentoni, and thoſe of the Panciatichi, under that of Riſoluti, made by ſome among the ſports and ſhows of the Carnival, with habits and ornaments proper to that age, excited ſome injurious words and confuſions, of ſo ſerious a nature, that there was great danger of reviving the ancient animoſities and inſurrections: but the duke Coſimo cauſed to be arreſted the inventors of thoſe maſquerades, intimidated their followers, and reſtored the public tranquillity; and, to make the greater impreſſion on the people, and ſecure their quiet for the future, he puniſhed the priſoners in an exemplary manner.

The government continued abſolute in the family of Dedici till the year 1737, when, upon the death of John Gaſton the Firſt, the laſt grand duke of that family, without iſſue, the family became extinct. Don Carlos, king of Naples, in his own name, and Philip the Fifth, king of Spain, not only in his own name, but alſo in the name of the infant don Philip, and don Louis, and the other ſons whom he might have by the queen of Spain, renounced all right and pretence, which they or their deſcendants might have, to the ſucceſſion of the grand dukedom of Tuſcany, and transferred all ſuch rights, actions, or pretences, to Franceſco di Leopoldo, duke of Lorrain and Bar, his heirs and

and ſucceſſors ; and Piſtoia ſoon ſwore allegiance to the new ſovereign. And here ends another moſt ſplendid example of the bleſſings and felicities of a republic without three orders forming a mutual balance !—It is quite unneceſſary to excite the reſentment, or flatter the vanity, of any individuals or families in America, by mentioning their names : but if you begin at New-Hampſhire, and proceed through all the ſtates to Georgia, you will at once be able to fix your thoughts upon ſome five or ſix families in each ſtate, ſome two of whom will, in the courſe of fifty years, perhaps of five (unleſs they are reſtrained by an independent executive power, three independent branches in the legiſlature, and an independent judicial department) be able to divide the ſtate into two parties, one generally at the head of the gentlemen, the other of the ſimplemen, tear one another to pieces, and rend the vitals of their country with as ferocious animoſity, as unrelenting rancour and cruelty, as ever actuated the Cancellieri and the Panciatichi in Piſtoia. And it will not be the fault of theſe individuals or families ; they will not be able to avoid it, let their talents or virtues be what they may : their friends, connections, and dependents, will ſtimulate and urge them forward, by every provocation of flattery, ridicule and menaces, until they plunge them into an abyſs, out of which they can never riſe :—It will be entirely the fault of the conſtitution, and of the people who will not now adopt a good one : it will be the misfortune of thoſe individuals and families as much as of the public ; for what conſolation can it be to a man, to think that his whole life, and that of his ſon and grandſon, muſt be ſpent in unceaſing miſery and warfare, for the ſake only of a poſſibility that his great grandſon may become a deſpot!

LETTER

LETTER II.

CREMONA.

Dear Sir,

CREMONA had preſerved under the government of conſuls until 1180, when ſhe changed the form of her government, reducing all the authority of the conſuls to one perſon alone, who, from the ſupreme power which was given him, was denominated a podeſta. The elections of conſuls had occaſioned ſuch conteſts among the principal families (as none could be elected to that dignity who were not citizens) that it was now ordained by law, that none ſhould be elected to the office of podeſta who was not a foreigner, and a citizen of any other city, as ſhould be agreeable to the council, provided he was not related by blood to any of the electors, had a real eſtate in the city or country, and was arrived at leaſt to thirty-ſix years of age: and, above all things, they ſought for men of prudence and moſt eminent reputation, to whom, as ſoon as they were elected, they ſent letters by a public order, praying them to accept the dignity offered them; and on the day when they made their entry into the city, with a public concourſe and acclamations, they were by the whole people ſolemnly met and received. They carried in ceremony the enſigns of their authority, the furred cap, the long ſword, the rod, and the ſceptre* : and becauſe for the

* Il capello, et il ſtovo, et la verga, o ſcettro.

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moſt part they were men of military talents, as well as ſkilful in the laws, they conducted with them judges expert in the legal ſcience, by whoſe means they heard and tried all cauſes civil and criminal, and aſſembled the council when it was neceſſary. After this change of magiſtracy from conſuls to a podeſta, which, however, was of ſhort duration and little ſtability, ſuch was their inconſtancy, that they created ſometimes a podeſta, ſometimes conſuls, and at other times both conſuls and a podeſta together; and there occurred to the ſtate and republic of Cremona many and very great diſturbances.

Cremona, in 1183, ſent her ambaſſadors to Placentia, where were aſſembled all the ambaſſadors of the other cities of Lombardy, Marca, and Romagna, together with the ambaſſadors of the emperor, and king Henry his ſon, in May. At this aſſembly it was concluded, that all the cities ſhould ſend their ambaſſadors to the diet of Conſtance, a principal city of Germany, to eſtabliſh the peace negociated between the emperor and the cities. The twenty-fifth of June, 1183, was eſtabliſhed, ratified, and confirmed, that peace, ſo ſolemn and ſo celebrated, which, from the name of the city where it was made, was called the peace of Conſtance; a correct copy of which treaty is to be found at the end of the fourteenth book of Sigonius, of the kingdom of Italy*.

Such was the inſtability of the government, that the city returned, in 1190, to the adminiſtration of conſuls.

They in the next year elected a podeſta again, who led them out to war, but was unfortunate, and this made them weary of a podeſta; and the

* Muratori, Annal. anno 1183.

next

next year they created conſuls, and conſuls were annually elected until 1195, when they returned to a podeſta. All this is perfectly natural: the people were diſtreſſed by the conteſt of the principal families when they had conſuls, and therefore wiſhed to have a foreigner as a podeſta to keep them in order. The principal families, however, ſtruggled for conſuls, that they might have the rule; and one party prevailed this year, and the other the next.

The conſuls, in 1198, to ſupply the city with water, dug a well, and built a conduit of water, which was afterwards called the Murmur, from the complaints of the people againſt the expence of it, which were ſo great, that they roſe in tumults, and inſiſted in chooſing a podeſta. Cremoſino Oldrino was accordingly appointed, and governed jointly with the conſuls to the end of the year.

Any one may purſue at his leiſure the particulars of the changes from conſuls to podeſta, and from podeſta to conſuls, till the year 1209, when, upon the appointment of conſuls, there aroſe diſcords and civil ſeditions, which brought the republic to the brink of ruin. The city became divided as it were into two, by a rivulet that paſſes through it; on one ſide it was called the New City, and on the other the Old, though all the popular men of the old city joined with the new: in ſhort, the diviſion was between the gentlemen and the populars at bottom. The new city aroſe in tumults, and were joined by all but the gentlemen in the old, made new magiſtrates and governors, and congregated together to conſtitute a new general council at Sant' Agata.

The old city and the new, each, made its podeſta, and many quarrels and civil wars followed;

lowed; and the hatred between perſons and parties increaſing, as if they had not been born in the ſame city, but had been moſt cruel enemies, they ſoaked the boſom of their common mother with blood, and had no mercy on her houſes or riches, which they conſumed by fire. But with much pains and interceſſions of the biſhop, a peace was made, by which the podeſta of the new city ſubmitted to the podeſta of the old, and ſwore obedience to him, with this reſervation, however, that he was to be podeſta of the people.

The civil war was renewed in 1211, between the citizens of the old and the new city. The two factions proceeded to a ſharp conflict, and after having killed an infinite number of citizens, thoſe of the old city ſet fire to the houſes in the neighbourhood of the ſcene of action, and conſumed every thing in them. The year before Otto had been excommunicated by Innocent, the pope, and deprived of the empire, and Frederigo Rogerio, was elected in his place: for this reaſon the Cremoneſe went this year in favour of the marquis of Eſte, and drove out of Ferrara Uguccione de Guarneſi, who was podeſta there in the name of Otto.

In 1212 civil diſcords were ſomewhat appeaſed, and conſuls were appointed. The wars between Cremona, and Milan, and Placentia, may be read by thoſe who are curious, but are not to our purpoſe. They laſted till 1217, in the beginning of which year civil diſcords and ſeditions increaſed, becauſe the people could not agree in creating the magiſtrates; and it was not till after a long delay, and the interpoſition of the pope, with apoſtolical exhortations by letter, that they were perſuaded to lay aſide their hatreds and diſcords, ſo far as to appoint a podeſta.

In

In 1221 the moſt terrible diſcords and civil wars, between the gentlemen and the common people in Placentia, were accommodated for a time, under the mediation of Sozzo Coglioni, podeſta of Cremona. The ſubſtance of the peace, to which each party ſwore, was to lay aſide their diſcords and contentions, and forgive the injuries, damages, and miſchiefs, mutually committed and received. But of what avail are oaths and treaties, which the nature of man and the form of the government will not permit to be obſerved?

This year two noble citizens of Cremona were made, one after the other, podeſtas of Placentia.

In the beginning of the year 1229 the diſcords among the citizens prevailed ſo far, that they created conſuls, and thoſe only for ſix months; and this year there was a confederacy of Verona, Modena, and Parma, againſt Cremona.

There aroſe, in 1232, in the city of Cremona, ſeditions and civil wars.

The Cremoneſe united with the popular party in Placentia, in favour of whom Uberto Pallavicino, from Cremona, went with an hundred light-horſe, to oppoſe the noble exiles.

The Milaneſe and Breſcians, joining the noble exiles from Placentia, went with a powerful army againſt Cremona, and deformed the whole country with blood and fire.

In the year 1242 began to take root in Cremona thoſe abominable and pernicious factions of Guelphs and Ghibellines, and infected it to ſuch a degree, as occaſioned an infinite expence of the blood of the citizens, an ineſtimable deſtruction of wealth, an unſpeakable perdition of families, and a moſt melancholy and miſerable ruin of the country.

The city was, in 1246, divided between the two factions; but the Ghibellines had the majority, and obtained the appointment of a podeſta. This year the emperor Frederick was excommunicated by the pope and council at Lyons, in France, and Henry duke of Thuringia was elected.

The two factions daily increaſed in violence. The old city, that is the gentlemen, were favourers of the Ghibellines, and adherents of Frederick, the ſchiſmatical emperor; and the new city, that is the common people, were partiſans of the Guelphs, who adhered to the holy ſee. The bloody wars occaſioned by this diviſion, between Frederick and Innocent, and their reſpected followers, you will read at your leiſure, and you will laugh at the terrible diſgrace of Cremona in the loſs of their triumphial chariot, an infamy which none but the gentlemen could obliterate. The marquis Uberto, Pallavicino, a moſt powerful man, and of great reputation, but a zealous Ghibelline and old-city-man, was appointed podeſta: he fought a memorable battle, made two thouſand priſoners, retook the carroccio, and returned in triumph to Cremona.

Campo begins his third book in the manner of Machiavel, with deep, grave, and formal reflections, as if a diverſity of ſentiments, contradictory principles, inconſiſtent intereſts, and oppoſite paſſions among the citizens, could be reconciled and united by declamations againſt diſcord and panegyrics upon unanimity, without a balance, in a government poſſeſſed of ſufficient force. Diſunion of the citizens is, indeed, according to him, the worſt evil in a city; for what mortal peſtilence can bring upon them greater damage than diſcord? This not only precipitates noble and illuſtrious

trious families to ruin, but exterminates powerful and famous cities: nor is there any principality or kingdom ſo ſtable or well founded that it may not be torn up by factions. If this is true, it is ſtill an argument againſt conſtituting a city in ſuch a manner that it muſt neceſſarily be deſtroyed by factions. All things are maintained and increaſed by concord, and go to ruin by diſunion; union brings victory, and diſcord defeat: enemies are eaſily reſiſted when you agree among yourſelves; when the members are diſunited from the body, the perſon loſes both ſtrength and beauty. When Cyrus divided the Euphrates into three hundred rivulets, a child might ford the largeſt of them, though his favourite had been drowned in attempting the united water. Italy, the lady and the queen of the world, after infinite conflagrations, ſacks, ſlaughters, pillages, ſubverſions, and ruins, has finally been degraded, by the diſcords of her ſons, into a ſervant and a handmaid. All this may be true; but how long will republicans be the dupes of their own ſimplicity! how long will they depend upon ſermons, prayers, orations, declamations, in honour of brotherly love, and againſt diſcords, when they know that, without human means, it is but tempting and inſulting Providence, to depend upon them for the happineſs of life, or the liberty of ſociety!—The city of Cremona, to come to the preſent point, by its diſcords and diviſions, ſuffered intolerable evils, and ultimately loſt her liberty, falling under the power and domination of Uberto Pallavicino: who, taking the opportunity from the controverſies, which went on every day increaſing among citizens, diſunited and divided into divers factions of new city and old, gentlemen and common people, Guelphs and Ghibellines,

of

of Capelletti, of Barbaraſi, and of Maltraverſi, in the year 1251, from podeſta, made himſelf abſolute lord, patron, and maſter, of the commonwealth, by the aſſiſtance of the Ghibellines, who in the old city were very numerous and powerful.

Sozzo Viſtarino, a principal nobleman of the city of Lodi, maintained, as a guard of his perſon, a company of ſoldiers from Cremona: but the whole family of Viſtarino being ſoon afterwards baniſhed and expelled by the people of Lodi, pope Innocent endeavoured to negociate their reſtoration. But the people would accept of no conditions of peace until Milan and Cremona made war upon them, and unitedly compelled the people of Lodi to receive the Viſtarino into their city. At the end of the ſame year the marquis Pillavicino, at the requiſition of the people of Placentia againſt their noble exiles, went, with many ceremonies, to the ſiege of Rivergaro, to which thoſe nobles had retired.

The Cremonians about Rivergaro, in 1252, compelled the noble exiles of Placentia to ſurrender, and their caſtles and lands were deſtroyed. Pellavicino, not content with having made himſelf maſter of Cremona, or rather of the old city, aſpired to the dominion of Placentia, and to this end gave trouble enough to the podeſta of that city. While Pallavicino was maſter of the old city, his rivals Boſſio Dovara, firſt, and Azzolno Dovara, of the ſame family, were ſucceſſively made lords of the new city.

Uberto Pallavicino, in 1253, was by the Placentians created podeſta of that city: but as the affairs of Cremona were in a critical and fluctuating poſture, he left a vice-prodeſta at Placentia.

The

The marquis Pallavicino, having arranged affairs as he would in Crimona, returned to Placentia in 1254, and, by favour of the Ghibellines, was created perpetual governor and lord of that city.

Uberto Pallavicino, with the Ghibellines of Cremona and Placentia, went to the aſſiſtance of Ezelino of Romagna, the moſt cruel of tyrants, and confederating with him againſt the Mantouans, conſigned to fire and ſword the whole territory, and laid ſiege to the city for three weeks, and would have taken it, if the marquis of Eſte, and the Bologneſe, had not come to its relief.

A kind of triumvirate was formed between Ezzelino, Pallavicino, and Dovara, who aſpired at the domination of Lombardy.

The triumvirate diſagreed, and a new league was formed between Palavicino, Dovara, Azzone marquis of Eſte and Ancona, Louis count of Verona, Ferrara, and Padoua, on the one part, againſt Ezzelino. The particulars of the war, and the ſucceſs of Pallavicino againſt Ezzelino, the conqueſt of Breſſia, and the ſubſequent perſecutions of the Guelph party in that kingdom, may be omitted; but in the year 1260 the rage of factions and ſeditions were ſo diſtreſſing to all the cities, that there aroſe a new ſpecies of pilgrimage and penitence, whoſe object was to reſtore peace among the parties, and obtain the return of the exiles to their proper cities. The number of theſe pious and charitable people grew to be prodigious in Tuſcany, Romagna, and Lombardy, and very auſtere were there penitence, and very affecting their cries of "Mercy! mercy!" Pallavicino was alarmed, and prohibited, under ſevere penalties, theſe kind of pilgrimages in Cremona and

and Breſſia, becauſe he feared they would prove the ruin of thoſe ſeditions and diviſions by which he maintained the domination of theſe cities. He grew proud and inſolent, plundered the biſhopric, and drove the biſhop into exile.

Palavicino having recovered the city of Placentia by means of the Ghibellines, went with a noble company of Cremonians, and eſtabliſhed a government, making podeſta, Viſconte Pallavicina, a ſon of one of his brothers.

Gandione Dovara, a noble Cremoneſe, was, in the name of Pallavicino, podeſta of Placentia; but the Guelph exiles making an inſurrection, he was driven out with his garriſon. Pallavicino began at this time to be uncommonly jealous of Boſſio Dovara.

Pallavicino fell into a controverſy with Philip della Torre, and detained in Cremona all the merchants of Milan, with their effects, pretending that Philip was his debtor, for having given him aſſiſtance, with his Cremoneſe ſoldiers, to recover the caſtle of Arona, occupied by Ottone Viſconte, archbiſhop of Milan.

Pallavicina, in 1266, grew odious, and the factions of the Barbaraſi, as well as the Ghibellines, had plundered the church, ſo that the city was laid under an interdict; and the pope's nuncios had influence enough with the people to produce a revolution, a depoſition of Pallavicino, and a reſtoration of all the exiles, by the general council.

After the depoſition of Pallavicino, Boſſio Dovara occupied the dominion of Cremona; for, upon the return of Amatino Amati, the proper head of the contrary faction, from exile, Dovara, with his followers, were driven out of the city; but he went only to Placentia, and there held the dominion,

nion, and appointed to the government a podeſta, Gerardino Dovara, a relation.

Uberto Pallavicino having loſt the lordſhip of the principal cities of Lombardy, died miſerably in his Siſalgio caſtle, in which he was beſieged by the Parmeſans and Placentians.

Boſſio Dovara, with the Ghibelline exiles from Cremona, went in favour of Napoleone della Torre, againſt his enemies at Lodi. This year they began in Cremona to create captains of the people.

Pontio Amato, a citizen of Cremona, being podeſta of Milan, was killed in a battle between the Torriani, and Ottone Viſconte, archbiſhop of Milan.

The Torriani having taken Crema, ſet fire to it. The Cremoneſe of the Guelph faction gave aſſiſtance to thoſe of Torre, againſt Ottone and the other Viſconti, with whom were Boſſio Dovara of the Ghibelline faction, who prepared employment enough to the Torriani.

The Cremoneſe and Parmeſans, deſirous of effacing the memory of the injuries done them in times paſt, reſtored their triumphal chariot of the podeſta, which had been laid aſide. Great joy was diſcovered upon this occaſion, and the two cities entered into a ſtrict confederation with the Modeneſe and Reggians, and the marquis of Eſte. The principal article of this league was, that they ſhould aſſiſt the inhabitants of Lodi, who were moleſted by the Milaneſe, who favoured the party of the Viſconti, of which the marquis of Monferrato was captain. Boſſio Dovara, and Gabrino di Monza, who were alſo of the faction of the Viſconti, entered into Crema with four hundred ſoldiers on horſeback, and as many on foot, the Guelphs having fled.

The

The Torriani being exiled from Lodi, took refuge in Cremona, and at the ſame time Boſſio Dovara, ſallying out from Crema, took by ſtratagem Soncino and Romanengo, caſtles in the juriſdiction of Cremona. The Cremoneſe of the Guelph faction, then dominant, fearing that their affairs would grow worſe, aſſembled their army, and called a diet of the cities their confederates. The ambaſſadors therefore of Placentia, Reggio, Parma, Modena, Breſcia, Bologna, and Ferrara, aſſembled at Cremona; and the marquis of Eſte came in perſon. Florence, and the other cities of Tuſcany, offered to lend their aid: the ſame offer was made by John Appiano, procurator of Romaga. They ſent alſo a noble embaſſy to the pope, to inform him of the ſituation of affairs in Lombardy, and in how much danger were the cities affectionate to his highneſs. Ottone Viſconte perceiving theſe movements, entered into a cloſer league with the marquis of Monferrato, and collecting as many armed men as they could, marched out with the triumphal chariot of Milan, and united with Boſſio Dovara. The Cremoneſe conducted their army, now very powerful by the additions of the confederates, partly to Caſtellione, and partly to Paderno, caſtles of Cremona; and while the two armies ſtood fronting each other, they began to treat of peace, which was finally concluded, by means of the ambaſſadors of Placentia and Breſcia. The conditions of this peace were, that all the cities ſhould expel each others exiles. Ottone Viſconte eaſily complied with the conditions of this convention, becauſe he had already conceived no ſmall jealouſy of the marquis of Monferrato, and a moſt violent hatred againſt Boſſio Dovara, who, being excluded from this confederation and peace, and having too much confidence

confidence in himſelf, refuſed to ſurrender Soncino and Romanengo. The Cremoneſe therefore called another diet, who ſent an army and expelled him, not only from thoſe two caſtles, but from Crema. William and Ugolino Roſſi, noble and moſt powerful citizens of Perma, having contracted marriage, the firſt with Donella Carrara, of the ſignori of Padoua, and the other with Elena Cavalcabo, of the family of the marquis of Viadana, theſe cities had made peace, and were full of rejoicings on the union.

William, marquis of Monferrato, having made war upon Ottone Viſconte, archbiſhop of Milan, the Cremoneſe ſent ſome companies of ſoldiers to his aſſiſtance. At this time the triumphal chariot began to be diſuſed, as very inconvenient in battle: they retained only the general ſtandard in white, with a red croſs, to which Ottone, who was the firſt to uſe it, added the image of St. Ambroſe.

A peace was concluded, in 1286, between the Viſconte, the archbiſhop, and the exiles of Milan.

The numerous family of Sommi had a confirmation of certain rights, anciently granted to the family by the biſhop of Cremona.

A new confederation was formed, in 1288, between Ottone Viſconte, archbiſhop of Milan, and the cities of Cremona, Pavia, Placentia, Breſcia, Genoa, and Aſto, againſt the marquis of Monferrato: but the marquis of Monferrato having made himſelf ſovereign lord of Pavia, a new diet was aſſembled at Cremona, and another confederation formed.

Matthew Viſconte, who by Adolphus, king of the Romans, had been declared Imperial vicar of the city of Milan, called a diet in that city, to deliberate on a war againſt the Torriani. The am-

baſſadors of Cremona were there, and promiſed to ſend their forces to the aid of Viſconte: but the Torriani made no movement, and Viſconte did not long heſitate to break with Cremona and Lodi; for, impatient to enrich his followers, he began to diſcover an intention to impoſe taxes on thoſe cities. The Torriani too began to complain, and were ſupported by the patriarch of Aquileia: the Torriani came to Cremona, and began to prepare war againſt Matthew Viſconte.

The Torriani removed from Cremona to Lodi, where they met many of their friends, and ſoon received the news that Matthew Viſconte had taken Caſtellione from the Cremoneſe: the Torriani, with ſome ſoldiers from Cremona and Lodi, and a groſs multitude of Milaneſe exiles, their adherents, went to meet Viſconte, but were attacked and routed by him.

The ambaſſadors of Cremona, of the marquis of Monferrato, of the marquis d'Eſte, of Novara, of Caſale, of Bergamo, and of Vercelli, all congregated at Pavia, and made a league againſt Matthew Viſconte. The Cremoneſe, not long afterwards, with the marquis d'Eſte, were routed by Viſconte. This year, however, a peace was concluded between Milan and Cremona, in which no mention is made of Viſconte.

A league was made, in 1302, between Cremona, Placentia, and Pavia, and they choſe for their captain-general Alberto Scotto, then lord of Placentia: theſe having hired a good body of ſoldiers, and united with the Torriani, went under the walls of Milan. Matthew Viſconte, ſeeing that he was hated by his fellow-citizens, went out of Milan, and renounced all his authority to Scotto; and while they were treating of peace, the Torriani entered Milan, and drove off Matthew and all his partiſans

partiſans. After having expelled the Viſconti from Milan, a new congreſs met at Placentia, of ambaſſadors from Cremona, Milan, Pavia, Lodi, Como, Novara, Vercelli, Tortona, Crema, Caſale, and Bergamo, and concluded to hire, at the common expence, and for the common defence, a thouſand horſe and a thouſand foot.

A tumult in Parma, in 1303, was occaſioned by an attempt of Giberto di Correggio to reſtore the Parmeſan exiles. Giacopo Cavalcabo, lord of Viadana, Amato, Perſcio, and Sommo, all noble citizens of Cremona, and old friends of Correggio, tranſported themſelves to Parma, were elected arbitrators, and ſoon decided the controverſy in favour of their friend Correggio. This year controverſies and enmity aroſe between the Cremoneſe, and Alberto Scotto, lord of Placentia.

There was a diet of confederrate cities, in 1304, againſt Alberto Scotto. A powerful army was collected, and the marquis of Monferrato, and the marquis of Saluzzo, were created captains; and having paſſed the Po, and taken many caſtles in the neighbourhood, laid ſiege to Placentia: but the Cremonians and Lodians, conſidering the danger they might be expoſed to if that noble and powerful city ſhould fall into the hands of the marquis of Monferrato, they began to withdraw their troops. They were followed by thoſe of Pavia, and the others, and the army was diſperſed, and Placentia delivered from the ſiege. A new league was made againſt Scotto, the head of which was Viſconte Pallavicino; and the next year the Torriani made themſelves maſters of Placentia.

Giacopo Cavalcabo, a moſt noble citizen of Cremona, and lord of Viadana, a man of ingenuity, and an elevated ſpirit, was created podeſta of Milan.

Milan. The Fulgoſi, Scotti, and Palaſtrelli, noble families of Placentia, with the aſſiſtance of William Cavalcabo and the Cremonians, expelled Lando and Viſconte Pallavicino from Placentia.

Guido della Torre, lord of Milan, made Perſico, a noble Cremonian, podeſta of that city. This year a controverſy ariſing between the Parmeſans and Giberto di Correggio, the Roſſi, the Lupi, and other noble exiles, who had taken refuge in Cremona, were ſummoned by their countrymen to return; and they inſtantly obeyed, and carried with them the aſſiſtance of Tignaca Pallavicino, who at that time was podeſta of Cremona, and the Cremonian ſoldiers, and having driven Correggio from Parma, Giacobo Cavalcabo was created podeſta of that city. A confederation was alſo made between Guido della Torra and the city of Cremona, to which Lodi, Bergama, Placentia, and Crema, acceded.

Guiliano Sommo, a noble Cremonian, was made podeſta, and captain of the commons and people of Placentia, for ſix months, according to the cuſtom of thoſe times.

Henry the Seventh, the emperor, came, at the end of 1310, into Italy to be crowned, and he called together all the Ghibellines of Lombardy, among whom Matthew Viſconte held the firſt place. At that time the authority and influence of William Cavalcabo, brother of Giacopo, was ſo great in Cremona, that all public affairs were adminiſtered according to his will; but as theſe brothers were the heads of the Guelph faction, they were little friendly to the emperor.

Cremona, in 1311, taſted more than ever the bitter fruits of faction, civil diſcord, and unbalanced government, with which however, it had been vexed and diſtreſſed for many years: it was now,

now, beſides infinite proſcriptions of property and ſlaughter of citizens, upon the brink of total ruin from Henry. Fachetto, marquis of Canoſſa, had been ſent with the title of Imperial vicar, but had been refuſed and expelled by the Guelphs, who then had the dominion in Cremona: the emperor's indignation was excited, and he gave orders to Matthew Viſconte to paſs the Adda, and aſſault Cremona with an army of Ghibellines, who collecting together from every quarter, were increaſed to a great number. The emperor himſelf, with the empreſs his conſort, departing from Milan, removed to Lodi. Gulielmo Cavalcabo, to whom had been given by the Guelphs the abſolute dominion of Cremona, perceiving ſuch formidable preparations for war, knowing his own city to be nearly divided into equal parties, and having little confidence in his own faction, quitted the city, and went to Viadana, followed by the Picenardi, Sommi, and Perſichi, with many others, nobles and populars, his adherents: and the city would have been wholly evacuated and abandoned, if the citizens had not been diſſuaded by Sopramonte Amato, who went into the middle of the multitude, exhorted them to ſtay, and throw themſelves on the mercy of the emperor, whom he painted as pious and clement, and offered himſelf as one of the principal interceſſors. The people being comforted by his ſpeech, it was ordered, that two hundred of the principal men ſhould go to meet Henry, who, hearing of the flight of Cavalcabo and his adherents, removed towards Cremona, and was already arrived at Paderno, eight miles diſtant from that city; there he was found by the Cremonians, who had been ſent with Sopramonte Amato, who, in miſerable habits, with their heads uncovered, with naked feet, and cords about

about their necks, when they came before the emperor, fell upon their knees, and cried out, "Mercy!" (miſericordia!) and, with tears and lamentations, endeavoured to recommend themſelves and their country to the clemency of the conquerer. Such a ſpectacle of miſery might have moved to compaſſion the heart of cruelty itſelf: it had not, however, the force to move in the ſmalleſt degree to mercy the moſt inhuman ſoul of Henry, who, with a cruelty more than barbarous, rolling his eyes another way, that he might not ſee them, commanded, with a voice of ferocity, that they ſhould be all ſent to priſon; which was inſtantly executed by his miniſters, and they were ſoon after put to death. Henry entered Cremona, aſſembled the council, and ordered that the walls of the city ſhould be thrown down. This order was executed: and Henry deſired to have the houſes demoliſhed; but at the prayer of ſome of his lords and barons, he was diverted from this malicious purpoſe; but they could not hinder many from being burned by Cremonian citizens, who had been exiles for being of the Ghibelline faction, and who fought every cruel method of revenge for the injuries they had received. The city was therefore filled with miſery; the Teſques and Italians all robbed alike; and nothing was heard but violence, murder, rapine, and extortion. The moſt rich were ſure to be declared guilty, and their eſtates to be confiſcated.—The emperor at laſt came to the public palace, and cauſed to be publiſhed a moſt ſevere ſentence, in which he condemned the Cremonians to pay an hundred thouſand golden florins, confiſcated the public revenue, and ordered that the walls and bulwarks of the city ſhould be ruined, and the ditches filled up. Theſe hard conditions were accepted,

accepted, and the obſervations of them ſworn to by Frederick Artezaga, ſyndick of the commons of Cremona, in whom was left the government of the faction of Ghibellines, favoured and exalted by the emperor, who now left one of his vicars, and departed. The Guelphs, thus ill treated, now concerted another confederation, and called in to their aid Robert, king of Puglia: into this league entered all the cities of Romagna and Tuſcany. The principal were Florence, Lucca, and Siena; and of thoſe Lombardy, Bologna, Reggio, and Parma, whoſe ſovereign Lord was Giberto di Corregio. The Torriani, and the Cavalcabos, with the reſt of the Milaneſe and Cremonian exiles, joined the confederacy; and all theſe united, after having made themſelves maſters of the bridge of Doſſolo over the Po, took alſo Caſalmaggiore, driving out the Ghibellines.

William Cavalcabo, having learned that John Caſtiglione, podeſta of Cremona, in the name of the emperor, was gone with the militia to Pozzoboronzo, a place ſubject to the Cremonians, in which were ſome Guelphs, taking advantage of this opportunity, flies with admirable rapidity to Cremona, and entering the city by the gate della Moſa, arrived without oppoſition to the Piazza, where he was encountered by Galeazzo Viſconte, and Manfredino Pallavicino; but theſe not being able to ſuſtain the impetuoſity of the ſoldiers of Cavalcabo, not without a great ſlaughter of Ghibellines, among whom was ſlain Giacomo Redenaſco, they reſigned themſelves to flight, and Galeazzo ſaved himſelf in Crema. Soon afterwards, as an inſurrection was expected in Cremona, Giberto di Reggio went thither from Parma, where he was received with tokens of the greateſt joy; and having quieted with great prudence the controverſies,

troverſies, he eſtabliſhed Cavalcabo in the lordſhip of the city, making Quirico Sanvitale, his ſon-in-law, podeſta. The inhabitants of Soncino having alſo expelled the Imperial governor, ſurrendered to Cavalcabo, who fearing that the enemy would encamp at that poſt, went thither ſuddenly with Venturino Benzone, head of the Guelphs of Crema, and with Venturino Fondulo, one of the principal men of Soncino. The Barbuſi, and other families of Soncino, of the oppoſite faction, having conveyed intelligence of this to the emperor, he gave Soncino to the count Guarnero, his general in Lombardy, who went and laid ſiege to the place. There were in Soncino, beſides the Terrazzani, the Guelphs of Cremona, Crema, and Bergamo; and with the count Guarnero, beſides the Tedeſque troops, were the Ghibellines of Cremona, Bergamo, and Crema. The inhabitants of Soncino defended themſelves on the firſt aſſault with great activity, encouraged by the valour of Cavalcabo, Benzone, and Fondulo; but ſeized with a panic, upon ſome advantage gained by Galeazzo Viſconte, the ſoldiers, who came to their aſſiſtance from Cremona, abandoned ſhamefully their defence, and retreated into the houſes. Cavalcabo, ſeeing ſuch cowardice or treachery, conſulted with Benzone to get out of that place as ſoon as poſſible: collecting their ſoldiers in a compact body, they ruſhed into the midſt of the enemy, combating with wonderful intrepidity; but Cavalcabo being killed, and Benzone, and Venturino Fondulo, with his two ſons, made priſoners, the Ghibellines remained victorious. Benzone, falling into the hands of the Ghibellines of Crema, was miſerably aſſaſſinated; and Fondolo, with his two ſons, by the orders of Guarnero, were hanged before the gate of Soncino. The news of this

defeat

defeat filled Cremona with terror and confuſion: but Giberto Correggio, with a company of Parmeſans, coming in, their fears ſubſided, and the enemy having intelligence of this ſuccour, had not the courage to approach the walls. The Cremonians, to recompenſe the benefit received from Corregio, gave him the dominion of the city for five years. The Guelphs took Caſtellione, in which was Manfredino Pallavicino, who was made priſoner: and Caſtelnovo, the mouth of the Adda to the Guelphs, was taken by the Ghibellines.

Paſſarino della Torre had the government of Cremona in 1313, with the title of vicar of Robert, king of Puglia.

Giacopo Cavalcabo, marquis of Viadana, was, in 1315, by the common conſent of the people, elected to the dominion of Cremona. Ponzino de Ponzoni, his brother-in-law, whether from private envy or republican jealouſy, was enraged beyond all meaſure at this, and he ſtirred up inſurrections againſt Cavalcabo, many other noble families, the Ponzoni, the Guazoni, the Amati, and the Picenardi, who went out of Cremona, and made a league with the Viſconte, and occaſioned much miſchief and ruin to their country, againſt which they took up arms.

Ponzino Ponzone, and all his adherents, having made a league with Cane della Scalla, lord of Verona, and with Paſſarino Buona Coſſi, lord of Mantoua, came to Cremona, and laid ſiege to it; but by the valour of thoſe within were repulſed; yet they did much damage in the territory. A peace, or the appearance of a peace, between thoſe in the city and the exiles, was then made; and by common conſent was deputed to the government of the city Egidiolo Piperano, with the title of

abbate of the people: and then the Ponzoni, with their partiſans, returned to the city.

The whole city, in 1317, aroſe in arms, excited by Giacopo and Luigi Cavalcabo, and Gregorio Sommo, and others their partiſans of the Guelph faction, with whom were the Bruſati, lords of Breſcia, with all their followers: theſe, entering the great piazza of Cremona, aſſaſſinated Egidiolo Piperano, who had mounted the roſtrum to ſtill the tumult. Leonard and Baccanino Picenardi, though one of them was a brother-in-law of Louis Cavalcabo, were both aſſaſſinated; the Pedecani, Malombra, Alemanni, and others innumerable, both of the noble and popular families of the Ghibelline faction, were murdered; and the whole faction was in fact driven out of the city, Ponzone taking his flight with ſome others of the principal citizens who held with him. He was received into Soncino by Philip Barbuo, and ſoon obtained Caſtellione, and all the Guelphs were chaſed out of both theſe places. Ponzone, who had firſt holden with the Guelph party, now conjured up another faction, by the name of the Maltraverſi, of whom he was the head (for every faction has its podeſta, little council, and great council, its king, lords, and commons), and in a ſhort time made himſelf maſter of almoſt all the Cremoneſe territories in the country. Finally, the Ghibellines and Maltraverſi made a coalition, and conſtituting Ponzino their head, entered into cloſe alliance with Cane della Scala, lord of Verona, and Paſſarino Buonacoſſi, lord of Mantoua, and with Matthew Viſconte, vicar-general of Milan: there came, therefore, to the aſſiſtance of the Ghibellines and Maltraverſi, againſt the Guelphs, in Cremona, Cane and Paſſarino, with their people; and Matthew ſent them Luchino, his ſon, with the Milaneſe

Milaneſe cavalry and infantry, with whom were ſome companies of Pavians, Placentians, Parmeſans, Bergamans, and others from Coma, Novara, Vercella, Crema, and Montferrato. All theſe people uniting together, encamped againſt Cremona. The ſiege continued twenty-eight days, without any event of conſequence, excepting their depredations upon the territory in the country, and deſtruction of all the eſtates of the Guelphs.

Ponzone, having made a breach in the wall, entered the city with his Ghibellines and Maltraverſi, and reached the piazza without being diſcovered. The Guelphs when they ſaw him were aſtoniſhed and fled, and with them Giacopo Cavalcabo and Gregorio Sommo. Ponzone was proclaimed lord of Cremona by the Ghibellines and Maltraverſi. At the ſame time the partiſans of Cavalcabo took Robecco, and went to Olmeneta, eight miles from Cremona, and ruined certain towers of the Zucchelli, in which was Nicolo Borgo, with ſome others of the faction of Ponzone, who, upon hearing of the deſtruction of his friends, went with a body of ſoldiers to thoſe places, and made much havoc among the people of Cavalcabo.

Giberto Correggio, captain-general of the Guelph league, with Cavalcabo, and all thoſe of their faction, broke down the walls of the city in 1319, entered, and by force of arms drove out the Ghibellines, and Ponzino Ponzone with his league of Maltraverſi Guelphs.

This Ponzone appears to have joined any ſide, as his circumſtances gave him opportunity; for in 1319 he made a coalition with Galeazzo Viſconte, ſon of Matthew, and lord of Placentia, with the Ghibelline faction entered by force of arms into Cremona, and chaſed away the Cavalcabos, with all the

the real Guelphs their partiſans. There was afterwards publiſhed a proclamation in the name of Galeazzo, that it ſhould be lawful for all, of whatever faction, to inhabit the city of Cremona, excepting the Cavalcabos, and certain other citizens, ſuſpected of having concerted a plot againſt Galeazzo and his partiſans.

Alberto Scotto, of Placentia, head of the Guelphs, was killed, amidſt three hundred Ghibellines, in taking the caſtle of Malamorte. Raimondo Cordona was ſent by the pope, John XXII. with a powerful army, to the aſſiſtance of the Guelphs, who aſſembling all of his faction in Lombardy, went againſt Galeazzo Viſconte, and ſhutting him up in Milan, laid ſiege to it.

Louis the Fourth, of Bavaria, ſet up an anti-pope againſt John.

Louis confirmed to the Cremonians all the privileges granted to them by his predeceſſors.

Guido de Camilla, Imperial vicar, had the government of the city, and a truce was eſtabliſhed between the community of Cremona and Gregory de Sommi, by which it appears, that Cremona was not at that time ſubjected to the Viſconte. The city was governed by Ghibellines, who were the majority or predominant party, and Gregory Sommo was one of the principal heads of the Guelph party.

Azzo Viſconte, ſon of Galeazzo, having made a peace with the Cremonians, gave them the dominion of Crema, which after the death of pope John, had ſubjected itſelf to the Viſconti. This year according to ſome hiſtorians, the lordſhip of Cremona was given by its inhabitants to the ſame Azzo Viſconte.

Azzo Viſconte, lord of Cremona, died without ſons, and to him ſucceeded in the dominion of

Milan

Milan and of Cremona, Luchino Viſconte, and John his brother, who, from biſhop of Novara, was a little afterwards made archbiſhop of Milan, ſo that he became in that city lord both in ſpiritual and temporal affairs. Cremona enjoyed a ſtate of tranquillity under the joint lordſhip of Luchino, and John the archbiſhop.

Luchino Viſconte died in 1338, and for his rare and excellent qualities very much regretted by the people his ſubjects: he left no ſon, and therefore the archbiſhop obtained the ſole lordſhip of Milan and Cremona, and of many other cities acquired by the virtue of Luchino. John and Luchino had obtained from Benedict the Twelfth, pope, the title of vicars of the holy apoſtolical ſee.

Bernabo and Galeazzo, brothers of the Viſconti, nephews of John, the archbiſhop and lord of Milan and Cremona, both married; the firſt to Regina della Scala, daughter of the lord of Verona and Vicenza; and Galeazzo married a ſiſter of the duke of Savoy, named Bianca.

John Viſconte, archbiſhop and lord of Milan, after having greatly amplified his dominions, died in 1354, leaving as his heirs Matthew, Bernabo, and Galeazzo, ſons of Stephen his brother. The extent of abſolute dominion, already acquired by this family over the ruins of ſo many commonwealths, ruined by their unbalanced factions, appears by the diviſion made upon this occaſion: To Matthew were aſſigned Placentia, Lodi, Bologna, Maſſa, Lugo, Bobio, Pontremelo, and Borgo San Donino; to Galeazzo, the cities of Coma, Novaro, Vercelli, Aſti, Alba, Aleſſandria, Tortona, Caſtelnuovo di Scrivia, Baſſignana, Vigevano, St. Angelo, Montebuono, and Mairano; to Barnabo were given Cremona, Bergamo, Breſcia, Crema, Valcamonica, Lonato, with all the river dal Lago di Garda, and other places.

The

The lordſhip of Milan and Genoa remained to them all united.

The emperor, Charles the Fourth, came into Italy to receive the Imperial crown, and was crowned with the crown of iron at Milan, by Robert Viſconte, archbiſhop of that city, and he there created knights, John Caleazzo, a boy of two years old, who was afterwards the firſt duke of Milan; and Marco, who was not two months old, both ſons of Galeazzo Viſconte: the emperor gave alſo the title of Imperial vicars in Italy to the three brothers, Galeazzo, Matthew, and Bernabo. The dominion of Cremona remained alone in Bernabo.

Bernabo married Verde, his daughter, to Lupoldo, brother of the archduke of Auſtria; and the wedding was celebrated in Milan, before a congreſs of ambaſſadors from Cremona, and all the other cities ſubject to him; and he gave his daughter a dower of an hundred thouſand florins.

Violante, daughter of Galeazzo, was married to a ſon of the king of England, with another dower of an hundred thouſand florins, and an annual penſion of twenty-four thouſand more, aſſigned upon ſome city of Piedmont.

Iſabella, the firſt wife of John Galeazzo, conte di Virtù, the firſt-born ſon of Galeazzo Viſconte before mentioned, died, and left an only daughter, called Valentina. At this time Bernabo gave great ſigns of an inhuman and cruel nature.

La Verde, daughter of Galeazzo, was married to a ſon of the marquis of Monferrato, who was aſſaſſinated by his ſubjects. She was then married by her father, with a diſpenſation from the pope, to a ſon of Barnabo.

Galeazzo died, and left two ſons, John Galeazzo conte di Virtù, and Azzo. John Galeazzo, who

who was the eldeſt, ſucceeded his father in the dominion of the ſtate.

Catharine Viſconte, daughter of Bernabo, was by her father married to John Galeazzo, conte di Virtù, her couſin, with a diſpenſation from the pope.

Azzo died, brother of John Galeazzo, to whom alone remained the government of their paternal ſtate.

Cremona gave itſelf voluntarily to John Galeazzo Viſconte, conte di Virtù, under whoſe dominion came all the other cities and places ſubject to Bernabo, his uncle and father-in-law, Bernabo having been made a priſoner, with Lodovico and Rodolfo his ſons, by the ſame John Galeazzo, who having learned from his wife, the daughter of Bernabo, that her father had ſeveral times attempted to put him to death in order to rule alone, reſolved to relieve himſelf from anxiety and ſuſpicion. To this end he went to Pavia, and affected a retired life, and pretended to go a pilgrimage to St. Mary del Monte. Bernabo, with his two ſons, went to meet him, and were all three taken by the ſoldiers of John Galeazzo, and confined in the caſtle of Trezzo, where they all died of poiſon, as it is ſuppoſed, ſent them by his nephew and ſon-in-law. John Galeazzo was immediately accepted by the Milaneſe as their lord; and the Cremonians ſpontaneouſly gave themſelves up to Giacopo Virino, the captain and counſellor of the ſame John Galeazzo, and ſoon after ſent ſixteen ambaſſadors to Milan with a capitulation, which was accepted and confirmed by him, article by article, with ſome limitations. The firſt article was, that the city of Cremona gave itſelf voluntarily and by a common concord of all the people.

Bianca,

Bianca, mother of John Galeazzo, died, and Valentina his daughter, by Iſabella his firſt wife, was married to Louis duke of Orleans, brother of Charles the Sixth king of France; and this year was born Gio. Maria, ſon of John Galeazzo by Catherine his conſort.

Philippo Maria, ſecond ſon of John Galeazzo, was born in Milan, in 1392.

John Galeazzo, conte di Virtù, obtained the title of duke of Milan, of Vencilaus the emperor. He received all the enſigns of the ducal dignity, and that with admirable pomp before a congreſs of the ambaſſadors from all the cities ſubject to him, among whom were thoſe from Cremona, thoſe from Venice, Florence, the marquis di Ferrato, the lords of Forli and Urbino, and the ſons of the lords of Padoua, with a multitude of others. He gave to the emperor an hundred thouſand ducats for the ducal dignity.

In 1399 the duke obtained the dominion of the city of Piſa; in 1400 that of Perugia; and in 1402 Bologna.

Factions aroſe again in this province, out of which were engendered ſeditions, civil diſcords, and rebellions, by which Gio. Maria, ſecond duke of Milan, loſt ſo ample a dominion as was left him by his father. Seditions aroſe in Milan, in which they chaſed away the ducal lieutenant; which being underſtood by the other cities, they all aroſe, driving off the ducal officers. John Caſtiglione, a Milaneſe, was then in Cremona, with the title of ducal vicar, but he was now expelled by the fury of the people: and at the ſame time John Ponzone, and Ugolino Cavalcabo, marquis of Viadana, moſt noble and powerful citizens, and heads of the factions of Guelphs and Maltraverſi, drove the Ghibellines from the city and made themſelves

ſelves maſters of it. Their followed at this time innumerable homicides and burnings of houſes, both in the city and country, there not being a village in which there were not the two parties.

But paſſing over the horrid detail of particulars, we may paſs to the year 1404, when Ugolino Cavalcabo, having ſeized the dominion of Cremona, conceived ſuſpicions of ſome of the principal citizens, and cauſed their heads to be ſtruck off, as guilty of plotting againſt him, and endeavouring to reſtore the city to the duke. Tyranny and cruelty are always the effect of ſuch a ſtate of affairs in all parties; and the duke John Maria grew every day more cruel: he impriſoned his own mother, Catharine Viſconte, in the caſtle of Monza, and cauſed her to be there ſtrangled. Ugolino, coming to battle near Breſcia with Eſtore Viſconte, was taken priſoner, with Marſilio and Cæſar Cavalcabo, and many other citizens of their faction. Ugolino was conducted to Soncino, and then to Milan, where he remained many months in priſon; and Cabrino Fondulo, his captain, ſaved himſelf in that conflict by flight to Cremona. The captivity of Ugolino being known, Charles Cavalcabo, of the ſame family, ſeized the dominion of Cremona.

Franceſco Gaſoni, a knight, and heretofore podeſta of Cremona for Ugolino Cavalcabo, and afterwards by Charles, his ſucceſſor, made captain-general in that city, was beheaded, for being ſuſpected of holding a correſpondence and concerting a conſpiracy with Eſtore Viſconte. A league was publiſhed this year between Charles Cavalcabo, Pandolfo Malateſta, Vignati lord of Lodi, and Bartolomeo and Paolo Benzoi, lords of Crema; and Charles took Piadena, whoſe fortreſs was ſurrendered to him by William Picenardo.

The Viſconte caſtle was this year fortified by Charles Cavalcabo, and Ugolino eſcaping from priſon, went to Mancaſtorma to find Cabrino Fondulo, who came with him to Cremona, to enter into the caſtle, in which was Charles, who had an underſtanding with Fondulo: Ugolino was therefore received into the caſtle, but his foot was ſcarcely within the gate before he was made priſoner; for theſe people were not much more inclined to ſurrender their power to their own families than to ſtrangers. A little afterwards Fondulo having fraudulently invited to ſupper with him, in the caſtle of Mancaſtorma, Charles and Andreaſo Cavalcabo, made them both priſoners, and cruelly murdered them. He came ſoon after to Cremona with many armed men, entered the caſtle and the other forteſſes, and made himſelf maſter of the city, and of all the lands and caſtles poſſeſſed by Cavalcabo, except Viadana, which would not ſubmit to him. Cabrino, little grateful to that family by whom he had been elevated to an honorable rank, defaced all the arms of the Cavalcabos which appeared in public places, and miſerably murdered Ugolino, by whom he had been made captain.

Fondulo, in 1407, cauſed to be beheaded two ſons of Picenardo, in the piazza of Cremona, and caſt cruelly from the ruins of a tower two of the family of Barbuo. This year Pandolfo, the ſon of Fondulo, was born. A truce made between the duke of Milan, and Cabrino Fondulo, lord of Cremona, was renewed for four months.

John Maria, duke of Milan, married, in the city of Breſcia, Antonia Malateſta, daughter of Malateſta, lord of Rimini. Cabrino Fondulo cauſed to be burned John de Seſto, for having made falſe money; and buried alive John Lantero, for having ſlandered Cabrino; and hanged Lorenzo

renzo, Guazzone, and beheaded Rubertino of the ſame family, for having been ſeen on the land of Gazzo, which had rebelled againſt him.

Another ſon was born to Cabrino Fondulo, lord of Cremona. He had taken Gazzo, which had rebelled againſt him, and deſtroyed it: and was this year made a knight in the city of Milan, by Bucicaldo Franceſe, governor of Genoa for the king of France.

John da Terſo, lord of Soncino, was taken and aſſaſſinated by the people of Cabrino near Breſcia; and Cabrino obtained from the inhabitants of Soncino the land and fort.

John Maria Viſconte, duke of Milan, while he was at maſs, was murdered by Trivulcio, Guerrino, and Baruchino, and other conſpirators of ſeveral conſpicuous families, and Eſtore Viſconte, ſon of Barnabo, maternal grandfather of John Maria, was proclaimed by the conſpiritors lord of Milan; but theſe were driven out by Philip Maria, lord of Pavia, brother of the deceaſed duke, who entered Milan with the forces of Facino Cane, and Eſtore being fled to Monza, was purſued by Philip, beſieged, fought, and ſlain: whereupon Philip Maria was proclaimed duke of Milan, and married Beatrice, formerly wife of Facino Cane, and availed himſelf of her dower, and of the ſoldiers of her late huſband, to recover the ſtate from the hands of the tyrants who, from the death of his father, had poſſeſſed it. At the end of this year a truce was made between the duke Philip Maria and Cabrino Fondulo.

A confederation was made between Fondulo, Malateſta, the marquis of Ferrara, and Philip Arcelli, lord of Placentia, on one part, and Philip Maria, duke of Milan, and his adherents, on the other. The friends of the duke were Vignati lord of Lodi, Ruſca lord of Como, Benzone lord

of

of Crema and Orlando marquis Pallavicino. This convention laſted not long, though it was made for two years.

The duke Philip Maria, having broken the truce and confederation, ſent his forces, under Carmagnuola, his captain general, to commit depredations on the Cremonians. Going afterwards to Placentia with part of his people, he was met by Cabrino, lord of Cremona, with a few infantry of Malateſta, and defeated.

Philip Maria, duke of Milan, cauſed to be beheaded Beatrice his wife, for no other reaſon but becauſe ſhe was grown old and he was weary of her, although he propagated againſt her ſuſpicions of adultery.

The count Carmagnuola returned to the Cremonian territory with the ducal army, took Caſtellione and all the other caſtles, deſtroyed the vines and corn, and laid ſeige to the city. Cabrino Fondulo, ſeeing that he could not reſiſt the forces of the duke, endeavoured to ſell the city of Cremona to Pandolfo Malateſta: but the duke ſent Carmagnuola upon the territory of Breſcia, and ſoon had all its fortreſſes in his poſſeſſion. Cabrino, ſeeing that the aſſiſtance of Malateſta would fail him, began, by the means of Carmagnuola, to treat of an agreement with Philip Maria, who knowing the difficulty of taking the city from ſo powerful and ſagacious a man as Fondulo, finally agreed with him.

Cabrino agreed with the duke to ſurrender Cremona and all its country, reſerving only Caſtellione, of which he was inveſted in fee, with the title of marquis, by the duke, for which he paid forty thouſand ducats.

The duke recovered Genoa, Albenga, Savona, and Breſcia.

Fondulo, deſirous of regaining the domination, made

made an agreement with the Florentines againſt the duke.

The duke condemned to death Cabrino Fondulo, and beheaded him.

The reſt of this hiſtory you will conſult at your leiſure. It was at this time, and had been long, an abſolute monarchy. While it was a republic it was a continual ſtruggle between the families of Pallavicini and Dovara, Cavalcabo and Viſconte, Ponzoni and Cavalcabo, Viſconte and Fondulo. The family of Viſconti acquired in Lombardy a ſovereignty like that of the Medici in Tuſcany, and by the ſame means: and both becauſe there was no balance in the governments, and becauſe the executive power and judiciary power were elected in the legiſlative aſſembly; that is preciſely, becauſe all authority was attempted to be placed in the ſame centre. Is it worth while, merely for the whiſtling of the name of a republic, to undergo all the miſeries and horrors, cruelties, tyrannies, and crimes, which are the natural and inevitable fruits of ſuch a conſtitution?

LETTER III.

PADOUA.

Dear Sir,

THE elements and definitions in moſt of the arts and ſciences are underſtood alike, by men of education, in all the nations of Europe; but in the ſcience of legiſlation, which is not of the leaſt importance to be underſtood, there is a confuſion of languages, as if men were but lately

lately come from Babel. Scarcely any two writers, much leſs nations, agree in uſing words in the ſame ſenſe. Such a latitude, it is true, allows a ſcope for politicians to ſpeculate, like merchants with falſe weights, artificial credit, or baſe money, and to deceive the people, by making the ſame word adored by one party, and execrated by another. The union of the people, in any principle, rule, or ſyſtem, is thus rendered impoſſible; becauſe ſuperſtition, prejudice, habit, and paſſions, are ſo differently attached to words, that you can ſcarcely make any nation underſtand itſelf. The words monarchy, ariſtocracy, democracy, king, prince, lords, commons, nobles, patricians, plebeians, if carefully attended to, will be found to be uſed in different ſenſes, perpetually by different nations, by different writers in the ſame nation, and even by the ſame writers in different pages. The word king for example: Aſk a Frenchmen what is a king, his anſwer will be, A man with a crown and ſceptre, throne and footſtool, anointed at Rheims, who has the making, executing, and interpreting of all laws. Aſk an Engliſhman; his idea will comprehend the throne, footſtool, crown, ſceptre, and anointing, with one third of the legiſlative power and the whole of the executive, with an eſtate in his office to him and his heirs. Aſk a Pole; and he tells you, It is a magiſtrate choſen for life, with ſcarcely any power at all. Aſk an inhabitant of Liege, and he tells you, It is a biſhop, and his office is only for life. The word prince is another remarkable inſtance: In Venice it means the ſenate, and ſometimes by courteſy, the doge, whom ſome of the Italian writers call a mere teſta di legno: in France, the eldeſt ſons of dukes are princes, as well as the deſcendants of the blood royal: in Germany, even the rhingravers are princes; and in Ruſſia, ſeveral families, who were not de-

ſcended

ſcended from nor allied to royal blood, anciently obtained, by grant of the ſovereign, the title of prince, deſcendible to all their poſterity; the conſequence of which has been, that the number of princes in that country is at this day prodigious; and the philoſopher of Geneva, in imitation of the Venetians, profeſſedly calls the executive power, wherever lodged, The Prince.—How is it poſſible that whole nations ſhould be made to comprehend the principles and rules of government, until they ſhall learn to underſtand one anothers meanings by words? But of all the words, in all languages, perhaps there has been none ſo much abuſed in this way as the words *republick*, *commonwealth*, and *popular ſtate*. In the Rerum Publicarum Collectio, of which there are fifty and odd volumes, and many of them very incorrect, France, Spain and Portugal, the four great empires, the Babylonian, Perſian, Greek, and Roman, and even the Ottoman, are all denominated republics. If, indeed, a republic ſignifies nothing but public affairs, it is equally applicable to all nations; and every kind of government, deſpotiſms, monarchies, ariſtocracies, democracies, and every poſſible or imaginable compoſition of them, are all republics: there is, no doubt, a public good and evil, a common wealth and a common impoveriſhment, in all of them. Others define a republic to be a government of more than one: this will exclude only the deſpotiſms; for a monarchy adminiſtered by laws, requires at leaſt magiſtrates to regiſter them, and conſequently more than one perſon in the government. Some comprehend under the term only ariſtocracies and democracies, and mixtures of theſe, without any diſtinct executive power. Others again, more rationally, define a republic to ſignify only a government, in which all men, rich and poor, magiſtrates

trates and ſubjects, officers and people, maſters and ſervants, the firſt citizen and the laſt, are equally ſubject to the laws. This indeed appears to be the true, and only true definition of a republic. The word res, every one knows, ſignified, in the Roman language, wealth, riches, property; the word publicus, quaſi populicus, and per Sync. pôplicus, ſignified public, common, belonging to the people; res publica, therefore was publica res, the wealth, riches, or property of the people*. Res populi, and the original meaning of the word republic, could be no other than a government in which the property of the people predominated and governed: and it had more relation to property than liberty: it ſignified a government, in which the property of the public, or people, and of every one of them, was ſecured and protected by law. This idea, indeed, implies liberty; becauſe property cannot be ſecure, unleſs the man be at liberty to acquire, uſe, or part with it, at his diſcretion, and unleſs he have his perſonal liberty of life and limb, motion and reſt, for that purpoſe: it implies, moreover, that the property and liberty of all men, not merely of a majority, ſhould be ſafe; for the people, or public, comprehends more than a majority, it comprehends all and every individual: and the property of every citizen is a part of the public property, as each citizen is a part of the public, people, or community. The property, therefore, of every man has a ſhare in government, and is more powerful than any citizen, or party of citizens; it is governed only by the law. There is, however, a peculiar ſenſe in which the words republic, commonwealth, popular ſtate, are uſed by Engliſh and

* See any of the common dictionaries, Soranus, Stephens, Ainſworth.

French

French writers; who mean by them a democracy, or rather a repreſentative democracy: a government in one centre, and that centre the nation; that is to ſay, that centre a ſingle aſſembly, choſen at ſtated periods by the people, and inveſted with the whole ſovereignty; the whole legiſlative, executive, and judicial power, to be exerciſed in a body, or by committees, as they ſhall think proper. This is the ſenſe in which it was uſed by Marchament Nedham; and in this ſenſe it has been conſtantly uſed from his time to ours, even by writers of the moſt mathematical preciſion, the moſt claſſical purity, and extenſive learning. What other authority there may be for this uſe of thoſe words is not known: none has been found, except in the following obſervations of Portinari, in which there are ſeveral other inaccuracies; but they are here inſerted, chiefly becauſe they employ the words republic, commonwealth, and popular ſtate, in the ſame ſenſe with the Engliſh and French writers.

"We may ſay with the philoſopher *, that ſix things are ſo neceſſary to a city, that without them it cannot ſtand. 1. The firſt is proviſions, without which its inhabitants cannot live. 2. The ſecond is clothes, habitations, houſes, and other things which depend upon the arts, without which civil and political life cannot ſubſiſt. 3. The third is arms, which are neceſſary to defend the city from its enemies, and to repreſs the boldneſs of thoſe who rebel againſt the laws. 4. The fourth is money, moſt neceſſary to a city in peace and in war. 5. The fifth is the care of divine

* Della Felicita di Padova, di Angelo Portenari Padovano Augoſt. edit. in Padova per Pietro Paolo Tozzi, 1623, p. 115.

worſhip. 6. The ſixth is the adminiſtration of juſtice, and the government of the people.—For the firſt are neceſſary, cultivators of the land; for the ſecond, artificers; for the third, ſoldiers; for the fourth merchants and capitaliſts; for the fifth, prieſts; and for the ſixth judges and magiſtrates. Seven ſorts of men, therefore, are neceſſary to a city, huſbandmen, artificers, ſoldiers, merchants, rich men, prieſts, and judges*.—But, according to the ſame philoſopher†, as in the body natural not all thoſe things, without which it is never found, are parts of it, but only inſtruments ſubſervient to ſome uſes, as in animals the horns, the nails, the hair, ſo not all thoſe ſeven ſorts of men are parts of the city; but ſome of them, viz. the huſbandmen, the artificers, and the merchants, are only inſtruments uſeful to civil life; as is thus demonſtrated:—A city is conſtituted for felicity, as to its ultimate end; and human felicity, here below, is repoſed, according to the ſame philoſopher, in the operations of virtue, and chiefly in the exertions of wiſdom and prudence: thoſe men, therefore, are not parts of a city, the operations of whom are not directed to thoſe virtues; ſuch are the huſbandmen, who are occupied, not in wiſdom and prudence, but in labouring the earth; ſuch are the artiſans, who fatigue themſelves night and day to gain a livelihood for themſelves and their poor families; ſuch, finally, are the merchants, who watch and labour continually, not in wiſdom and prudence, but in the acquiſition of gold. It is therefore clear, that neither huſbandmen, artificers, nor merchants, are parts of a city, nor ought to be numbered among the citizens, but only as inſtruments which ſub-

* Ariſt. Polit. lib. vii. c. 8. † Ariſt. Polit. lib. vii. c. 9.

ſerve

ſerve to certain uſes and conveniences of the city." —We muſt pauſe here and admire! The foregoing are not only the grave ſentiments of Portenari and of Ariſtotle, but it is the doctrine almoſt of the whole earth, and of all mankind: not only every deſpotiſm, empire, and monarchy, in Aſia, Africa, and Europe, but every ariſtocratical republic, has adopted it in all its latitude. There are only two or three of the ſmalleſt cantons in Switzerland, beſides England, who allow huſbandmen, artificers, and merchants, to be citizens, or to have any voice or ſhare in the government of the ſtate, or in the choice or appointment of any who have. There is no doctrine, and no fact, which goes ſo far as this towards forfeiting to the human ſpecies the character of rational creatures. Is it not amazing, that nations ſhould have thus tamely ſurrendered themſelves, like ſo many flocks of ſheep, into the hands of ſhepherds, whoſe great ſolicitude to devour the lambs, the wool, and the fleſh, ſcarcely leave them time to provide water or paſture for the animals, or even ſhelter againſt the weather and the wolves!

It is indeed impoſſible that the ſeveral deſcriptions of men, laſt enumerated, ſhould, in a great nation and extenſive territory, ever aſſemble in a body to act in concert; and the ancient method of taking the ſenſe of an aſſembly of citizens in the capital, as in Rome for example, for the ſenſe of all the citizens of an whole republic, or a large empire, was very imperfect, and extremely expoſed to corruption: but, ſince the invention of repreſentative aſſemblies, much of that objection is removed, though even that was no ſufficient reaſon for excluding farmers, merchants, and artificers, from the rights of citizens. At preſent an huſbandman, merchant, or artificer, provided he has

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any ſmall property, by which he may be ſuppoſed to have a judgment and will of his own, inſtead of depending for his daily bread on ſome patron or maſter, is a ſufficient judge of the qualifications of a perſon to repreſent him in the legiſlature. A repreſentative aſſembly, fairly conſtituted, and made an integral part of the ſovereignty, has power for ever to controul the rich and illuſtrious in another aſſembly, and a court and king where there is a king; this too is the only inſtrument by which the body of the people can act; the only way in which their opinions can be known and collected; the only means by which their wills can be united, and their ſtrength exerted, according to any principle or continued ſyſtem. It is ſometimes ſaid, that mobs are a good mode of expreſſing the ſenſe, the reſentments, and feelings of the people. Whig mobs to be ſure are meant! But if the principle is once admitted, liberty and the rights of mankind will infallibly be betrayed; for it is giving liberty to Tories and courtiers to excite mobs as well as patriots: and all hiſtory and experience ſhews, that mobs are more eaſily excited by courtiers and princes, than by more virtuous men, and more honeſt friends of liberty. It is often ſaid too, that farmers, merchants, and mechanics, are too inattentive to public affairs, and too patient under oppreſſion. This is undoubtedly true, and will for ever be ſo; and, what is worſe, the moſt ſober, induſtrious, and peaceable of them, will for ever be the leaſt attentive, and the leaſt diſpoſed to exert themſelves in hazardous and diſagreeable efforts of reſiſtance. The only practicable method therefore of giving to farmers, &c. the equal right of citizens, and their proper weight and influence in ſociety, is by elections, frequently repeated, of an houſe of commons

mons, an aſſembly which ſhall be an eſſential part of the ſovereignty. The meaneſt underſtanding is equal to the duty of ſaying who is the man in his neighborhood whom he moſt eſteems, and loves beſt, for his knowledge, integrity, and benevolence. The underſtandings, however, of huſbandmen, merchants, and mechanics, are not always the meaneſt: there ariſe, in the courſe of human life, many among them of the moſt ſplendid geniuſes, the moſt active and benevolent diſpoſitions, and moſt undaunted bravery. The moral equality that Nature has unalterably eſtabliſhed among men give theſe an undoubted right to have every road opened to them for advancement in life and in power that is open to any others. Theſe are the characters which will be diſcovered in popular elections, and brought forward upon the ſtage, where they may exert all their faculties, and enjoy all the honours, offices, and commands, both in peace and war, of which they are capable. The dogma of Ariſtotle, and the practice of the world, is the moſt unphiloſophical, the moſt inhuman and cruel, that can be conceived. Until this wicked poſition, which is worſe than the ſlavery of the ancient republics, or modern Weſt Indies, ſhall be held up to the deriſion and contempt, the execration and horror of mankind, it will be to little purpoſe to talk or write about liberty. This doctrine of Ariſtotle is the more extraordinary, as it ſeems to be inconſiſtent with his great and common principles*, "that an happy life muſt ariſe from a courſe of virtue; that virtue conſiſts in a medium; and that the middle life is the happieſt. In every city

* Ariſtot. Pol. lib. iv. c. 11.

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the people are divided into three ſorts, the very rich, the very poor, and the middle ſort. If it is admitted that the medium is the beſt, it follows that, even in point of fortune, a mediocrity is preferable. The middle ſtate is moſt compliant to reaſon: thoſe who are very beautiful, or ſtrong, or noble, or rich; or, on the contrary, thoſe who are very poor, weak, or mean; with difficulty obey reaſon. The former are capricious and flagitious; the latter, raſcally and mean; the crimes of each ariſing from their different exceſſes. Thoſe who excel in riches, friends, and influence, are not willing to ſubmit to command or law: this begins at home, were they are brought up too delicately, when boys, to obey their preceptors. The conſtant want of what the rich enjoy makes the poor too mean: the poor know not how to command, but are in the habit of being commanded, too often as ſlaves. The rich know not how to ſubmit to any command; nor do they know how to rule over freemen, or to command others, but deſpotically. A city compoſed only of the rich and the poor, but conſiſts of maſters and ſlaves, not freemen; where one party muſt deſpiſe, and the other hate; where there is no poſſibility of friendſhip, or equality, or community, which ſuppoſes affection. It is the genius of a free city to be compoſed, as much as poſſible, of equals; and equality will be beſt preſerved when the greateſt part of the inhabitants are in the middle ſtate. Theſe will be beſt aſſured of ſafety as well as equality: they will not covet nor ſteal, as the poor do, what belongs to the rich; nor will what they have be coveted or ſtolen: without plotting againſt any one, or have any one plot againſt them, they will live free from danger.

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For which reaſon Phocilides* wiſely wiſhes for the middle ſtate, as being moſt productive of happineſs. It is plain then that the moſt perfect community muſt be among thoſe who are in the middle rank; and thoſe ſtates are beſt inſtituted wherein theſe are a larger and more reſpectable part if poſſible, than both the other: or, if that cannot be, at leaſt than either of them ſeparate: ſo that, being thrown into the balance, it may prevent either ſcale from preponderating. It is therefore the greateſt happineſs which the citizen can enjoy, to poſſeſs a moderate and convenient fortune. When ſome poſſeſs too much, and others nothing at all, the government muſt either be in the hands of the meaneſt rabble, or elſe a pure oligarchy. The middle ſtate is beſt, as being leaſt liable to thoſe ſeditions and inſurrections which diſturb the community; and for the ſame reaſon extenſive governments are leaſt liable to theſe inconveniences: for there thoſe in the middle ſtate are very numerous; whereas, in ſmall ones, it is eaſy to paſs to the two extremes, ſo as hardly to have any medium remaining, but the one half rich, and the other poor. We ought to conſider, as a proof of this, that the beſt lawgivers were thoſe in the middle rank of life, among whom was Solon, as is evident from his poems, and Lycurgus, for he was not a king, and Charondas, and indeed moſt others. Hence ſo many free ſtates have changed either to democracies or oligarchies; for whenever the number of thoſe in the middle ſtate has been too ſmall, thoſe who were the more numerous, whether the rich or the poor, always overpowered them, and aſſumed to themſelves the adminiſtration. When, in conſe-

* After Agur.

quence

quence of their diſputes and quarrels with each other, either the rich get the better of the poor, or the poor of the rich, neither of them will eſtabliſh a free ſtate, but, as a record of their victory, one which inclines to their own principles, and form either a democracy or an oligarchy. It is indeed an eſtabliſhed cuſtom of cities not to deſire an equality, but either to aſpire to govern, or, when they are conquered, to ſubmit,"—Theſe are ſome of the wiſeſt ſentiments of Ariſtotle; but can you reconcile them with his other arbitrary doctrine, and tyrannical excluſion of huſbandmen, merchants, and tradeſmen, from the rank and rights of citizens? Theſe, or at leaſt thoſe of them who have acquired property enough to be exempt from daily dependence on others, are the real middling people, and generally as honeſt and independent as any: theſe, however, it muſt be confeſſed, are too inattentive to public and national affairs, and too apt to ſubmit to oppreſſion; when they have been provoked beyond all bearing, they have aimed at demoliſhing the government, and when they have done that, they have ſunk into their uſual inattention, and left others to erect a new one as rude and ill-modelled as the former. A repreſentative aſſembly, elected by them, is the only way in which they can act in concert; but they have always allowed themſelves to be cheated by falſe, imperfect, partial, and inadequate repreſentations of themſelves, and have never had their full and proper ſhare of power in a ſtate.—But to proceed with Portenari. "The other kinds of men," ſays he, "viz. the rich, the ſoldiers, the prieſts, and the judges, are parts of the city, and properly citizens. The firſt, becauſe riches are inſtruments for generating and conſerving virtue in the citizens. The ſecond, becauſe it is neceſ-

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ſary that military men, beſides the virtue of fortitude, ſhould be adorned with prudence, to know the times and occaſions proper for undertaking an enterprize. The third, becauſe the prieſts ought to be examples of every virtue to the people, and give themſelves to the contemplation of divine things. The fourth, becauſe the judges and rectors of a city, to judge and govern rightly, have occaſion more than all the others for ſcience and prudence, which are the true lights and guides of human actions."—If theſe are proper arguments for admitting theſe deſcriptions of men into the order of citizens, inſtead of being reaſons for excluding merchants, &c. they are of proportional weight for admitting them.—" As to the form of government, which is the other part of the animated city, let us ſay with thoſe wiſe men who have written of civil dominion and public adminiſtration, as Plato*, Ariſtotle†, Polybius‡, Plutarch§, and others‖; that the ſimple forms of good government are three, to which are oppoſed three other forms of bad government. The firſt form of good government is monarchy, or kingdom, and is the abſolute and independent dominion of one man alone, who has for the ultimate end of his operations the public good, and the beſt ſtate of the city, and who has the ſame relation to his ſubjects that the ſhepherd has to his flock, and the father to his children. Such were the monarchies of the Aſſyrians, Medes, Perſians, Macedonians, Scythians, Egyptians, and Romans, from the beginning of their reign to the creation

* 4 & 8 de Leg. & in Civili, ſeu de Regno.
† 3 Polit. c. 7, 8. & 8 Eth. c. 10.
‡ Lib. vi. § De Unius in Repub. Domin.
‖ Sigon. de Ant. Jur. Civ. Rom. lib, i. c. 1.

of the conſuls, and, after the extinction of the Roman republic, under the empire of the Cæſars. To monarchy is oppoſed* that form of government which is called tyranny, in which one alone domineers, who has no thoughts of the public good, but whoſe ſcope is to depreſs and exterminate the citizens, to whom he ſhows himſelf a rapacious monſter after their property, and a cruel beaſt of prey after their lives; ſuch as were Phalaris in Agrigentum†, Dionyſius in Syracuſe‡, and Nero in Rome§. The ſecond form of good government is ariſtocracy, according to which the dominion is held by thoſe who, above all others, are adorned with virtue, prudence, and benevolence; who directing all their actions to the utility and common dignity of the city, procure it an happy and bleſſed ſtate. This ſpecies of government is called alſo, the regimen of the better ſort (optimates), either becauſe the beſt men of the city bear rule, or becauſe they look, in all their operations, to the beſt and moſt perfect ſtate of the city. This manner of government was uſed by the Spartans. To this form of government is oppoſed oligarchy, which is a principality of the moſt rich and powerful, who, for the moſt part, are few; who, depreſſing and robbing of their property the leſs rich, and cruſhing with intolerable weight the poor, make a regimen full of arrogance and of violence, and are like wolves among lambs. Such was the dominion of the Triumvirs in Rome who having oppreſſed the

* Plutar. Loc. Cit. Beroſ. lib. iv. Diodor. lib. i. 3. 10. Juſtin. lib. i. 2. 3. Oroſ. lib. i. & ſeq. Herod. lib. i. 2. Liv. et alii ſcript. Rom. Hiſt.

† Val. Max. lib. ix. c. 2. Cic. Verr. 5.

‡ Cic. 2 de Offic. Plat. Epiſt. vii. Diodor. lib. xiv.

§ Suet. in Neron. Tacit. 14 Annal.

republic,

republic, proſcribed and put to death many good citizens, and plundered their property: exalting the ſeditious and perverſe, and abaſing good men, they diſtempered Rome with their contagious wickedneſs; and of a city, the capital of the world, they made it a den of robbers*. The third form of good government, not having a proper name, was called by the Greeks politia, and by the Latins, reſpublica, a name common to every ſpecies of government. *This is the dominion of the multitude, viz. of the whole body of the city, compoſed of all ſorts of citizens, rich and poor, nobles and plebeians, wiſe and fooliſh, which is alſo called a popular government.* All this body, which contains men, ſome endowed with prudence and wiſdom, ſome inclined to virtue and perſuadable to all good works, by the converſation and familiarity which they have with the prudent and learned, employ all their care, labour, and induſtry, to the end that the city flouriſh in all thoſe things which are neceſſary and convenient for living well and happily, ſuch as was at one one time the government of the Athenians†. To this ſpecies of good government is oppoſed democracy; according to which the moſt abject plebeians, and the vileſt vulgar, hold the nomination for their own private intereſt, by which they oppreſs the rich and the noble, and aggrandize and enrich the poor and the ignoble, as the two brothers, the Gracchi, began to do in Rome‡.

"Three, therefore, are the ſimple forms of good government, monarchy, ariſtocracy, and that which by a common name is called a republic;

* Appian. 4 de Bel. Civ. Plut. in Ant.

† Plut. de Unius in Rep. Dominio. Thucid. lib. ii. in Orat. Periclis. Sig. de Repub. Athen. lib. i. c. 5.

‡ Appian. 1 de Bel. Civ. Plutarch in Gracchis.

from

from which, mixed together, four others may reſult. The firſt is of the three all compounded, as was that of the Lacedemonians, inſtituted by Lycurgus*, which, *ſelecting the good from the three former, compoſes one of the moſt perfect kind.* Such alſo was the Roman Republic†, in which the power of the conſuls was like the regal authority; that of the ſenate was ariſtocratical; and that of the people reſembled the popular ſtate. The ſecond form of mixed government is compoſed of monarchy and ariſtocracy, ſuch as, according to ſome, is the moſt ſerene republic of Venice‡, in which the annual podeſtas have a power ſimilar to a regal authority, and the ſenate are an aſſembly or collection of the optimates; although others contend that it is a perfect ariſtocracy. The third is mixed of a monarchy and a republic; and the fourth of a republic and an ariſtocracy: of which two ſpecies of mixed government we have no examples to alledge.

"But to return to the three ſimple forms; it is the common opinion of the learned§, that monarchy holds the firſt rank above all others, reſembling the power of God Almighty, who alone governs the world; reſembling the heart, which alone vivifies all the parts of the animal; and reſembling the ſun, which alone illuminates the celeſtial bodies, as well as the lower world. It is very true, that to a monarchy ought to be elevated only

* Polyb. lib. vi. Sigon. de Ant. Jure Civ. Rom. lib. i. c. 1.

† Bellarm. de Roma.

‡ Boter. Relat. Venet. p. 1. Sabellic. lib. iii. lec. 2.

§ Plat. in Civili vel de Reg. Ariſt. 8. Ethic. c. 10. & 3 Polit. c. 10. Philo. lib. de Conf. Linguar. Senec. 2 de Benef. Herod. lib. iii. Hom. 2 Iliad. v. 204.

that

that citizen, according to the philoſopher*, who, exceeding the others in the ordinary courſe, in riches, wiſdom, prudence, and benevolence, is like a god upon earth; ſuch as would be the man who ſhould be adorned with heroic virtue, according to which, performing all the labours of virtue in the utmoſt perfection and ſupreme excellency, he would appear to be not the ſon of a mortal †, but of God. But it being impoſſible, or at leaſt moſt difficult, to find a man ſo rare, hence it has happened, that laying aſide monarchy, the philoſophers have diſputed which of the other two forms of good government is better accommodated, more practicable, and more profitable, for the regimen of cities and of peoples. Some were of opinion that this praiſe was due to an ariſtocracy: nevertheleſs Ariſtotle confutes them, becauſe in the ariſtocratical government the magiſtracies and the honours being always in the hands of a few, there is great danger that the multitude, perpetually excluded from public management, ſhould be tumultuous, and conſpire againſt the lives of the principal men, to the great damage of the whole city; becauſe in theſe revolts the force and violence of the people regards neither friends nor enemies; it is mad, and moſt horribly pillages, murders, and abuſes, all that comes in its way. It remains then, that the third ſpecies of good government, which is the popular government, in which alternately the citizens command and obey, is the moſt uſeful, and better adjuſted to the nature of man, in whoſe ſoul the Divinity has ſtamped the deſire of dominion; with ſuch limitations and temperaments, however, as, ſays the ſame philoſopher, that the vile plebeians

* 3 Polit. c. 11. † 7 Eth. c. 1.

may

may not have magiſtrates appointed for their ignorance and imprudence, which are the two fountains of all civil calamities; but that the plebeians may not be totally deſpiſed, and that all occaſion of inſurrections may be taken away, that the faculty be given them of joining with the other citizens in the election of magiſtrates, and in calling them to account for their adminiſtration."—All theſe opinions appear to be not unbecoming; for although the plebeians be not qualified of themſelves to judge who are fit for the adminiſtration of the affairs of the city, and to know the failings of thoſe who have governed, nevertheleſs, by the converſation and practice which they have in ſuch things with the wiſe men, it is preſumed that, from daily intercourſe with theſe, and from common fame and public reputation, which daily circulates concerning men who are wiſe and good in government, they may have ſo much light, that they may diſcern the apt from the inapt, and good behaviour from bad.—This may ſuffice to have ſaid concerning the different forms of government, according to the writers before cited, in order to explain the following account of the form of government in Padoua, and the various changes it paſſed through.

In the four hundred and fifty-ſecond year of the Chriſtian æra, Padoua was miſerably deſtroyed by Attila, king of the Huns.

The Padouans, who then fled for ſafety to the iſlands in the Adriatic, could not for fifty years return to rebuild their city, for the many armies of barbarians who infeſted Italy till 493, when Theodoric, king of the Oſtrogoths, killed Odoacer, king of the Heruli, and remained unrivalled in the dominion of Italy. But Juſtinian, the emperor, having,

having, in 535, ſent Beliſarius, and afterwards, in 552, Narſitte, to drive away the Goths from Italy, Padoua, in that war, which, with alternate victories and defeats of the Goths and the Greeks, laſted eighteen years, was ſometimes by one and ſometimes by the other ſubjected. Afterwards, under the government of exarchs, till 601, it was a ſecond time burned and deſtroyed by Agilulphus, king of the Longobards. It was afterwards reſtored by the Padouans, aſſiſted by the Venetians, and remained under the dominion of the Longobards, till they were exterminated by Charlemain, king of France, in 774. It continued ſubject to the kings of France of the race of Charlemain, and after them to the Berengarii, and finally to the emperors of Germany, from Otto the Firſt to Henry the Fourth, according to the German, and the Third according to the Italian hiſtorians. In a word, Padoua lived under foreign laws ſix hundred and twenty-nine years, viz. from 452 to 1081; thirty-three years before which period, viz. in 1048, began to dawn a few rays of liberty, ſince the emperor, Henry the Third, as appears by public inſtruments preſerved in the archives of the cathedral of Padoua, granted, for the repoſe of his ſoul, and that of Agneſe his wife, to Bernard Maltraverſe, biſhop of Padoua, the prerogative of coining money, building fortreſſes and caſtles with towers and ramparts, erecting mills, and to be as it were prince of the city. Afterwards Henry the Fourth, his ſon, at the ſolicitation of the queen Bertha, his wife, and for the prayers of Milo, biſhop of Padoua, his relation, in 1081, gave liberty to the Padouans, with this conceſſion, that for the future they might live according to their own laws, and have a triumphal

phal chariot (carroccio), which was the principal ſign of a free city*.

This carroccio, for a perpetual memorial of the benefit received by the interceſſion of queen Bertha, was by the Padouans called by her name. Henry alſo granted them the faculty of making of the body of their nobility a ſenate, who, for the government of the city, created annually two conſuls†. There was therefore formed a government mixed of monarchy and ariſtocracy, ſays the hiſtorian; of monarchy, becauſe the conſuls, according to the manner of kings, had the power of life and death; and of ariſtocracy, becauſe the ſenate, excluſively of the plebeians, was compoſed only of patricians or nobles.—Theſe, as the deſire of enlarging dominion is inſatiable, not contented to have the government of the city, procured, partly by imperial grants, and partly by other means, to have juriſdiction of blood in their caſtles ſituated in the country of Padoua, aſſuming the titles of proceri, peers or barons, and a little afterwards of marquiſſes, counts, and caſtellans. Padoua was ruled by this form of government about eighty years, in peace and tranquillity: but peace being the nurſe of riches, and riches of ambition, the conſular dignity began to be ardently deſired by all men, and caballed for by every artifice. In the progreſs of theſe conteſts, as one would not give way to another, and the whole depending on a few of the moſt powerful, the city became divided into factions, which finally, in 1177, came to arms, and civil wars enſued, which for ſome years filled

* See a deſcription and ſtamp of the Padouan carroccio, in Portenari, lib. v. c. 5 and 6.

† Sigonius, de Reg. Ital. lib. ix. an. 1081.

the

the city with mutual ſlaughter, burnings, revolt, and confuſion; ſo that the conſulate becoming feeble, was now intermitted, and then exerciſed, according as the power of different parties prevailed. But, finally, this magiſtracy ſerving no longer for the maintenance of the public good, but merely as an inſtrument of revenge againſt enemies, and having become moſt pernicious, not only to the plebeians, but to the patricians, it was, in 1194, abrogated and totally extinguiſhed.

The good government, compoſed of monarchy and ariſtocracy (as our author calls it, though nobody will agree with him in opinion at this day), being changed, by the malice of men, into the bad one of oligarchy, and this by its noxious qualities being in a ſhort time annihilated, there aroſe another ſpecies of government, mixed of monarchy and a republic, in this form:—The Padouans inſtituted four councils; the firſt was of eighteen, whom they called the Anciani, three of whom were drawn by lot every three months: they were afterwards reduced to the number of ſixteen, and then drawn to the number of four every four months. The office of theſe magiſtrates was, together with the podeſta, to exert themſelves with all their influence and power to conciliate and appeaſe all diſcords and diſſenſions among the citizens, not only in civil affairs, but in criminal proſecutions; to ſee that the decrees of the ſenate regarding the public utility were obſerved; that the buildings going to decay ſhould be rebuilt or repaired; that the ſtreets, public roads, and walks, ſhould be kept adjuſted, free, and unincumbered with obſtructions; that in the principal quarters of the city ſhould be provided engines for extinguiſhing or preventing the progreſs of fire, as caſks, vaſes for drawing water, cordage for

making ladders, pickaxes, iron bars, &c; and, finally, to ſuggeſt to the other councils all thoſe things which might be of public utility: and that they might be enabled to do this, all public letters from foreign princes, and from all magiſtrates within the dominion of Padoua, were read in their preſence. No man was admitted to this council of the anciani who was not a Padouan by birth, and an inhabitant of the city, for at leaſt thirty years without interruption, and who had not a foundation of property among his fellow-citizens of at leaſt two hundred pounds a year.—The ſecond council was called the Leſſer Council, which at firſt conſiſted of forty citizens, partly noble and partly plebeian, but afterwards was increaſed to the number of ſixty. The authority of this council was ſuch, that nothing could be treated in the greater council if it were not firſt diſcuſſed and agitated here, and from hence propoſed to the greater council. The mode of diſcuſſing and conſulting upon buſineſs was by the way of orations or harangues made by the ſenators, after which they proceeded to a vote, and two thirds of the ſuffrages determined the queſtion. This rule was alſo obſerved in the greater council. This council was changed every four months, and the ſenators who had once been in it muſt be excluded for eight months. Father and ſon, brothers, and uncle and nephew, were not permitted to ſit together in it. To be of this council it was neceſſary to be a Padouan by origin, to have a father who was a Padouan by birth, to have inhabited in Padoua with a family at leaſt for forty years continually, to have an eſtate of fifty pounds income, and to have ſubmitted to the offices of the commons of the city.—

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The third council was called the Greater Council, or Parliament: it was at firſt of three hundred ſenators, one moiety nobles, and the other moiety plebeians; it was afterwards increaſed to the number of ſix hundred, and finally, in 1277, to a thouſand, in which were choſen the magiſtrates, and all affairs relative to peace and war were deliberated. By theſe two councils, the greater and the leſs were made, at divers times, various municipal laws and ſtatutes, of which, by a determination of 1263, were made four copies. The firſt was dopoſited in the monaſtery of St. Benedict, the ſecond in that of St. John, the third in that of St. Mary, and the fourth in that of the fathers of St. Mary di Porſiglia.—The fourth and laſt council was common to all the people of the city, into which, the doors being open, every one might enter: but this council was very ſeldom aſſembled, and never but for things of the utmoſt importance.—The Padouans, deſirous of providing a remedy againſt the diſorders and miſchiefs occaſioned by the conſulate, and to extinguiſh in the citizens all occaſions of ambition to enjoy the government of the city, invented the annual magiſtrate of the podeſta, which was the beſt medicine that could be thought of by them to cure the diſorders already felt, and prevent the greater that were apprehended. They created, therefore, for ruler of the city, a foreign perſonage, of noble blood, and excellent reputation for virtue, who, by the weight and eminence of his authority in caſes of life and death, and from his ſuperintendence over all the judicial authority, civil and criminal, from the more abſolute obedience paid him as the ſupreme head of all the other magiſtracies, of the patricians, of the plebians, and of the ruſtics, and, in a word, from

from his abſolute power, as it is called, over the city and its territory, was called by way of eminence, by the name of Podeſta.—This manner of Government continued happily enough, as it is ſaid, till, 1237, when the city was ſubjected by Ezzleino, of Romagna, who moſt terribly afflicted and moſt cruelly tormented it for the ſpace of nineteen years; in which time there was no ſort of torment, inhumanity, or cruelty, which it did not ſuffer from that infernal monſter, under whoſe tyranny that moſt malignant peſtilence, the factions of Guelphs and Ghibellines, which, under the name of the Imperial party, and the party of the Church, had infected many cities of Italy, and among others diſtempered Piſtoia, and did ineſtimable miſchief. —Before we paſs on, it may be well, for the more complete information concerning this magiſtrate of the podeſta, to relate a few particulars. The podeſta was obliged, three months before the end of his government, which laſted one year, to aſſemble the greater council, and cauſe to be elected eight citizens, four noble and four plebeian, of more than thirty years of age: theſe elected twelve ſenators of the ſame council, and of the ſame age, ſix of the patricians and ſix plebeians; who in like manner elected eight others of the ſame council, age, and condition, the office of whom was to elect the new podeſta. Theſe were ſhut up together in one apartment, and could not ſpeak to any one, or have more than one repaſt a day, that they might the ſooner agree in the nomination of three perſonages, who were afterwards carried to the greater council, who proceeded to the election in this manner: All three were ſeparately ballotted for, and he who had the moſt ſuffrages was the new podeſta: he who had the next number of votes held the ſecond place; and

and he who had fewest the last, in such election. The syndick of the city was sent in haste with public letters to him who had been honoured with most votes, who, if he accepted the charge, was understood to be podesta; but if in four days he did not accept it, the syndick was sent to the second; and if he refused, the third was sent to; and if he declined, a new election was made of other three persons: and of the acceptance or refusal of these a record was made by a notary.

This method of electing the podesta was changed in 1257, since the examination of the subjects fit for the podestarate was committed to the lesser council, the election of whom afterwards was made by the greater council, with this condition; however, that the electors of the present podesta could not have a vote in the election of the subsequent podesta, by virtue of a statute made in 1236. No man could be elected podesta who had in Padoua relations, by consanguinity or affinity, within the fourth degree, nor who had been banished from his country for forgery or treason; and this was also understood of the court or retinue which the podesta brought with him, which consisted of four judges or assessors, two lieutenants of police, and some other satellites. The office of the first judge was to assist the podesta in all things belonging to the government of the city; the other three judges had the charge of hearing and trying the criminal causes, each one for three months, which was ordained to remove all occasion of suspicion that the accused by length of time might possibly corrupt the judges: but these orders were afterwards changed, and it was resolved that the first judge, who must be an eminent doctor of laws, should be the vicar of the podesta, that the second should judge criminal causes, the third should

ſhould have the charge of the proviſions, and that the fourth ſhould be queſtor and receiver of the public money. The podeſta, judges, and lieutenants, could not have with them in Padoua their wives, nor other ladies their relations, unleſs for fifteen days, on occaſion of infirmity, nor even their brothers, ſons, or nephews, more than twelve years of age, nor ſervants who ſhould be Padouans. The podeſta was obliged to bring with him his two lieutenants, twelve ſatellites, twelve horſes, twelve valets and ſervants, and all this family and theſe horſes maintained at his expence, for the public ſervice of the city. His ſalary was two thouſand five hundred pounds a year, and was afterwards increaſed to four thouſand. The podeſta was required to come to Padoua eight days at leaſt before poſſeſſion was given him of the podeſtarate, in which time he was obliged to take the oath of office, viz. to ſwear that he, with his judges, would govern without ambition, and juſtly, and that they would give the greateſt attention to the affairs of the public, and with all their power would conciliate and pacify the controverſies and diſcords of the citizens. The podeſtarate began on the firſt of July; but in 1280 it was decreed to begin the firſt of January. This magiſtracy at firſt continued for a year; but in 1294 a law was made that it ſhould endure only ſix months, and that two podeſtas ſhould be created each year, one of whom ſhould begin his adminiſtration with January, the other with July; which law was obſerved as long as the republic of Padoua remained: but after that Padoua became ſubject, now to the emperor Henry the Seventh, now to Frederic duke of Auſtria, now to his brother Henry duke of Carinthia, now to the Scaligers lords of Verona, and then to the duke of Milan,

Milan, and finally to the Carrareſi, this cuſtom of two podeſtas went into deſuetude. The podeſta, when once in poſſeſſion of his office, was bound to execute the following orders :—Firſt, in the ſpace of three days, to cauſe to be read, and afterwards to cauſe to be punctually obſerved, the papal conſtitutions againſt heritics. Secondly, to reſide continually in the city, and rule it until the arrival of a ſucceſſor. Thirdly, during the whole time of his adminiſtration to hear the cauſes of all perſons indifferently, to which end the gates of the palace, except at the hour of dinner, ſhould always ſtand open. Fourthly, that, together with the anciani, he ſhould uſe all his endeavours that the canonicates, and the other eccleſiaſtical benefices, of the biſhopric and dioceſs of Padoua, ſhould be conferred on citizens of Padoua, or of her diſtrict. Fifthly, to elect eight citizens, men of prudence and experience, two for each quarter, who ſhould make choice of four or five hundred able men, who, when they ſhould hear the ſound of the palace bells, ſhould come armed, under their ſtandards, to the palace of the pretor, and to the piazza del Vino, for the defence of the podeſta. Sixthly, to give orders that, at the ſound of the great bell of the tower of the palace, all the citizens and inhabitants of Padoua, from ſixteen to ſixty years of age, ſhould run armed to the piazza to defend the common liberty. Seventhly, to create a captain, who with ſome ſoldiers, ſhould have the cuſtody of the city and its ſuburbs. Eighthly, to hold, night and day, guards at the gates of the city. Ninthly, to give orders that in the city and in the ſuburbs ſhould be kept croſs-bows, and other weapons, to exerciſe the ſoldiers. Tenthly, to cauſe to be enrolled in the militia many men of the villages, who, according to occurrences, ſhould come armed

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to the city. Eleventhly, in all great tumults to order into the piazza the ſtandards of the community; in which caſe ſtandard-bearers of the arts, at the ſound of the bells of the palace, were held to go to the piazza del Vino, with the men under their command, armed, ready to obey whatever orders the podeſta ſhould iſſue, and there aſſemble, to be formed into a body, under the enſigns of the community, which could not depart from the piazza without the expreſs command of the podeſta himſelf, for whoſe guard there were always five hundred ſoldiers elected, one hundred from the body of the patricians, and four hundred from the plebians, diſtinguiſhed into four ſquadrons, under four ſtandards. Twelfthly, that for eight days before the arrival of a ſucceſſor, the podeſta cannot give ſentence in civil or criminal cauſes. Thirteenthly, that having finiſhed his podeſtarate, he, his aſſeſſors, and courtiers, ſhould remain fourteen days in Padoua, to render an account before the ſyndick of their adminiſtration, which is done in this manner: For the three firſt days it was lawful to every one to accuſe the podeſta, aſſeſſors, and courtiers, before the ſyndicks, of any wrongs or injuries done them: in the eight following days, theſe complaints were determined by the votes of the major part of the ſyndicks; and if, by the multitude of complaints, or by differences of opinions among the ſyndicks, or through other reaſons, the buſineſs could not be finiſhed, three other days were added, in which the ſyndicks were obliged to determine it. From the defence againſt the complaints made againſt the podeſta were excluded all his favourites, friends, and relations, and all advocates; his own judges and aſſeſſors were alone admitted, and were thought ſufficient for his defence. At the end of

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the fourteenth day the podeſta might depart with his family. He could not be confirmed in the podeſterate for the next year, nor for the five following years; neither himſelf, nor any of his relations, could hold any office, dignity, or honours, in the city of Padoua; and this was underſtood of the aſſeſſors, lieutenants of police, and other officers: but this ſtatute was very often not obſerved. As population augmented, and cauſes and controverſies multiplied, and therefore the podeſta and his aſſeſſors could not determine the whole, certain other judges were inſtituted, and called Judges of the Lower Courts, and were diſtinguiſhed from each other by the names of animals, for the moſt part, as the bear, the horſe, the leopard, and others. For the ſuits ariſing between relations, two judges were inſtituted as arbitrators, who in the ſpace of two months, were to give ſentence, and terminate the controverſy: and if they could not agree, they called in ten jurors for each party; and if theſe diſagreed, the podeſta himſelf, in the ſpace of fifteen days, ſat in judgment with the reſt, and decided the cauſe.

As to the government of the territory, it is to be obſerved, that ſome of the moſt rich and powerful citizens of Padoua had the name of proceres, noblemen or barons, and in ſome of their landed eſtates and places they exerciſed the juriſdiction of blood, that is the power of life and death; and to ennoble their dominions, manors, or lordſhips, with the magnificence of titles, in the year 1196 they diſtinguiſhed themſelves into marquiſſes, counts, and caſtellans. The lords of Eſte were entitled marquiſſes; the lords of Anguillara, Abano, Argua, Baone, Bibano, Borgoricco, Calaone, Ruſta, Cerro, Calcinara, Caldenazzo, Candiana, Carturo, Caſtelnuovo,

nuovo, Cortaloro, Fontaniva, Honara, Limena, Lozzo, Montebello, Montebuto, Montemerlo, Manchia, Nono, and Piazzola, were called counts; the lords of Carrara, Campoſanpiero, Montagnone, Peraga, Pievediſacco, Publica, Revolone, Ronchide Campanili, Stra, Selvazzano, Tortula, Villa Rapa, Tribano, Galzignano, Noventa, Treville, and Villa Nova, were denominated caſtellans. But the caſtellan of Selvazzano having cauſed to be cut out the eyes of a certain woman for theft, who afterwards came, deprived of her eyes, to Padoua, the cruelty of this action diſpleaſed the republic of Padoua ſo much, that, in the year 1200, a law was made, that under pain of death, no man ſhould, for the future, exerciſe any juriſdiction in the territory of Padona, which law was re-enacted and confirmed in 1205. The juriſdiction of life and death, and all other juriſdiction, being taken away from theſe grandees (magnati), the whole territory was governed by the podeſta of Padoua; and afterwards, in the courſe of time, the republic of Padoua ſent a podeſta into the following diſtricts of land, viz. Conſelve, Lonino, Montagnana, and twenty-four other diſtricts. The cuſtom of ſending podeſtas into thoſe diſtricts continued till 1290, when a ſtatute was made, that places which were not walled ſhould not have a podeſta, but that into ſome of them vicars only ſhould be ſent. Such, then, was the government of Padoua, from the year 1194 to the tyranny of Ezzelino, mixed of monarchy and a republic, and this conſtitution was reſtored after the delivery of the city from that fierce and cruel oppreſſion, and laſted happily for fifty years, with a remarkable increaſe of the city in riches and power; and would have laſted much longer, if the curſed factions of Ghibellines and Guelphs had

had not diſturbed the peace of the citizens, which afterwards, by little and little, by means of the poiſon of thoſe factions creeping in their hearts, afflicted the city to ſuch a degree, that, finally, in the year 1318, it took away their vital ſpirits, depriving them of their beloved liberty.

The parties of Ghibellines and Guelphs, under the names of the Empire and the Church, ſown in the hearts of men by the enemy of the human race, had intoxicated Italy, and contaminated the city of Padoua. So ſays the hiſtorian; and without denying to the devil his ſhare in the inſtigation of all ſuch party diſtinctions and animoſities, it muſt be ſtill inſiſted on, that the eſſential defect in the conſtitution of every Italian republic was the greateſt cauſe, and the inſtrument with which the infernal agent wrought. The parties of rich and poor, of gentlemen and ſimplemen, unbalanced by ſome third power, will always look out for foreign aid, and never be at a loſs for names, pretexts, and diſtinctions. Whig and Tory, Conſtitutionaliſt and Republican, Anglomane and Francomane, Athenian and Spartan, will ſerve the purpoſe as well as Guelph and Ghibelline. The great deſideratum in a government is a diſtinct executive power, of ſufficient ſtrength and weight to compel both theſe parties, in turn, to ſubmit to the laws. The miſchiefs of theſe contagious parties were greateſt under the tyranny of Ezzelino, who, being ſtandard-bearer and head of the Imperial or Ghibelline party, exerted all his force to extirpate the Guelph party, followed by the people, and a great part of the patricians. After his death the Guelph party roſe, and with all their power perſecuted the Ghibellines, driving them from the city, and ſpoiling them of all their goods; and as the plebeians of Padoua were devoted to the Guelph party, whether from

from their natural inclinations, or becauſe the Guelphs had delivered the city from the empire of Ezzelino, upon this occaſion certain profligate popular men became, by the favour of the plebeians, heads of the Guelph faction, became proud, arrogant and preſumptuous, deſiring that all the affairs of the republic ſhould depend upon their will; but ſuſpecting that ſome of the principal gentlemen, to whom ſo much pride of the Guelphs had become diſguſting, would oppoſe their ambitious enterprizes, gave the plebeians to underſtand, that thoſe gentlemen intended to make themſelves ſole maſters of the government; and excited ſo great a commotion, that the plebeians, who, as in adverſe fortune they are ſervile, ſo in proſperity are inſolent, demanded in a turbulent manner, and obtained by threats and by force, the inſtitution of a magiſtrate, according to the uſage of the Roman republic, like a tribune of the people, (the Padouans called theſe magiſtrates Gaſtaldi dell' Arti), who ſhould defend the rights of the plebeians, and have authority to reſcind all thoſe determinations of the ſenate, as was the cuſtom in Rome, which could occaſion any prejudice to the juriſdiction of the plebeians. Wherefore, in teſtimony of the power granted to the tribunes, it was, by a decree of the ſenate, in 1293, ordained, that every podeſta, in the beginning of his adminiſtration, ſhould conſign to each of the gaſtaldi of the arts the ſtandard of that art: and this tribunian magiſtracy advancing every day in power, cauſed to be made in its favour, in the year 1296, a ſtatute, that on the firſt Sunday in every month the gaſtaldi ſhould all aſſemble in the church of the palace of the commons, and treat fully of all things that belonged to the ſtate of the city. The whole government

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of the city, by this alteration, devolved into the hands of the tribunes, becauſe, as has been ſaid before, they annulled or confirmed, at their pleaſure, the determinations of the greater council, and becauſe they carried up to the council whatever they had concluded among themſelves, with a certainty of obtaining their concurrence, by the dependence which they had upon the popular ſenators, and alſo upon the leſs powerful of the noble ſenators, whom they had drawn to their devotion by electing them to the honours of the city, and by aſſuming ſome of them into the number of the tribunes, from which magiſtracy, and univerſally from all the greater honours, they always moſt arbitrarily excluded the moſt powerful of the nobles. From this diſorderly and violent domination of the tribunes, who had for the moſt part greatly enriched themſelves, grew inteſtine hatreds and terrible ſeditions between the primary perſons and the heads of the popular party, of whom the patricians of middling power, exalted by the people to honours, became the factors; and, finally, ſome of the primary gentlemen and moſt powerful patricians, not being able any longer to bear to be neglected by the tribunian power, took up arms, killed the principal heads and defenders of the plebeians, and in ſuch a manner intimidated thoſe patricians who adhered to the plebeians, that, after many engagements, and a profuſe effuſion of blood, the tribuneſhip of the people was aboliſhed in the year 1314, and the government and the public authority was tranſferred to the patricians, excluding totally the plebeians. Theſe, in order to keep down the Ghibellines, increaſed the ſenate (which, from the time of the extinction of the houſe of Honora, had been only of three hundred members) to the number of a thouſand, incorporating ſeven hundred Guelphs;

Guelphs; and wiſhing that all queſtions and matters relative to peace or war ſhould depend wholly on the Guelph faction, and the better to eſtabliſh the ſuperiority of their party, they inſtituted another council, wholly of Guelphs, which had authority to approve or reject the decrees of the greater ſenate: from the body of this leſſer council were created the four anciani conſervators of the liberty, and eight ſecretaries for the cuſtody of the city. This mode of government continued till the year 1318, when Padoua began to loſe her liberty, which ſhe afterwards wholly loſt, remaining ſubject ſometimes to the Germans, ſometimes to the Scaligers, ſometimes to the Carreſi, until, finally, after infinite calamities, ſhe was benignly received into the pious boſom of the moſt ſerene republic of Venice, in the year 1405*. Such as have been related, were the viciſſitudes of the government of the city of Padoua after the tyranny of Ezzelino, which may be recapitulated thus: According to the hiſtorian, at firſt it was a mixture of monarchy and a republic; afterwards it was changed into a democracy, for ſuch he denominates the tribuneſhip of the plebeians, in which the people attempted the abaſement and annihilation of the grandees; and finally it terminated in a government mixed of monarchy and ariſtocracy, having the ſenate of the optimates, and creating the podeſta annually: for the major part of the the time from 1081 to 1318, it was governed by one or other of the two beſt ſpecies of mixed government, as our hiſtorian thought, which are compoſed of monarchy and ariſtocracy, and of monarchy and republic.

This ſovereignty of Padoua was, for the moſt part, in one aſſembly, for although a check was aimed at by the law, that nothing ſhould be done

* Laugier, vol. v. p. 236.

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in the great council, which had not been previouſly debated in the little council, yet, when any thing was propoſed by the latter to the former, they ſat together and voted as one aſſembly. At ſome times the ſovereignty was clearly in one aſſembly of optimates or patricians; at another, in one aſſembly of plebeians, as that of the tribunes was: at laſt two aſſemblies are formed, with each a negative; but their being no third power to mediate between them, no balance could be formed or maintained between them. At no time had the monarchial power, either under the conſuls, anciani, or podeſtas, a negative; for though the podeſta was an office of great dignity and ſplendor, he never had the whole executive power, nor a negative on the legiſlative. The nobles and commons were mixed together in both councils; and the executive power, the appointment of offices, &c. was always in one or other of the aſſemblies: and the conſequence was inſtability to the laws, inſecurity to life, liberty, and property, conſtant rivalry between the principal families, particularly the Scalligeri and Carrareſi, which ended in conqueſt and ſubjection to Venice. From 1103 to 1194 the government of conſuls continued. From 1195 to 1236 the government of podeſtas under the republic of Padoua. From 1237 to 1256 the tyranny of Ezzelino was ſupported. From 1257 to 1294 the government of podeſtas, under the republic, was revived and maintained. From 1295 to 1311 they had two podeſtas. In 1312 Gerardo de gl' Inzola da Parma was Imperial vicar for the emperor Henry the Seventh, to whom the padouans began to yield obedience; though they rebelled again this year againſt his authority, and the podeſtas and republic were revived and continued till 1318, in which

which year Giacomo Grande da Carrara was made the firſt lord of Padoua: he governed one year and three months, and then renounced the dominion, and died in 1324. In 1319 a podeſta again for one year. In 1320 the city of Padoua, to deliver itſelf from the ſiege of Cane Scaligero, lord of Verona, gave itſelf to Frederick the Third, emperor and duke of Auſtria, who afterwards gave it to his brother Henry, duke of Carinthia, under whom they were governed by podeſtas, who were at the ſame time Imperial vicars, till 1328. The podeſta of this year was diſmiſſed by Marſilio da Carrara, who had been elected by the people lord of Padoua, who, however, made Pietro de i Roſſi, of Parma, podeſta; but he not being able longer to reſiſt in the war with Cane della Scala, married Tadea, daughter of Giacomo Grande de Carrara, firſt lord of Padoua, to Maſtino dalla Scala, nephew of Cane, giving him Padoua in dower. From 1329 to 1337 Padoua was governed by podeſtas, under the dominion of the Scalligers. In 1337 Marſilio da Carrara having expelled the Scaligers, was made the ſecond lord of Padoua, and governed in 1338. In 1338 Marſilio da Carrara, ſecond lord of Padoua, died, and to him ſucceeded Ubertino da Carrara, third lord of Padoua. From 1339 to 1345 the government of podeſtas continued under the princes Carrareſi. In 1345 Ubertino da Carrara, third lord of Padoua, being ſick, cauſed to be elected for his ſucceſſor Marſilietto Papa fava da Carrara, who was the fourth lord of Padoua, and died; but the ſame year Marſilietto was killed by Giacomo da Carrara, who became the fifth lord of Padoua, and under him the government of podeſtas continued till 1350, when Giacomo da Carrara, the fifth lord of Padoua, was aſſaſſinated

aſſaſſinated by William da Carrara, a natural ſon of Giacomo Grande, the firſt lord; to whom ſucceeded Giacobino da Carrara his brother, the ſixth lord, and Franceſco da Carrara, ſurnamed the Old, his ſon, and ſeventh lord of Padoua: under theſe the government by podeſtas continued till 1362, when Franceſco da Carrara the Old impriſoned his uncle Giacobino da Carrara, becauſe he had conſpired his death, and reigned lord alone till 1388, when Franceſco da Carrara renounced the dominion of this city to his ſon Franceſco da Carrara, called the New, eighth and laſt lord of Padoua. The ſame year, in November, both the father and the ſon were deprived of the government of this ſtate by John Galeazzo Viſconte, firſt duke of Milan, who governed it by podeſtas for the years 1388 and 1389, when Franceſco da Carrara, called the New, drove out the people of the duke of Milan, and recovered Padoua and its diſtrict, except Boſſano. From 1390 podeſtas were continued till 1405, when the Carrara were conquered, and Padoua admitted into the republic of Venice. In 1393 Franceſco da Carrara, ſurnamed the Old, ſeventh lord of Padoua, died in a priſon in Monza, to which he had been ſent by John Galeazzo Viſconte, duke of Milan.

LETTER VI.

MANTOUA.

Dear Sir,

EQUICOLA concurs with Leonardo Arctino, and all the other Italian writers, in his account of the antiquity, riches, and power of the Tuſcans, Etruſcans, Etrurians, Tyrrhenians, or Dodicapoli (for by all theſe names they were known), their original emigration from Lydia, their government of Lucumoni, their twelve confederated peoples, their ſubjection in a courſe of time to the Romans, Goths, Longobards, and Charlemaign, who for his merit was, in the year 800, created emperor, with the titles of Cæſar and Auguſtus, by the pope Leo the Third, who underſtood the effects upon the minds of the people of words and titles ſo anciently beloved as well as dreaded in Italy. He gave him alſo the title of Great, which had been before given only to three princes, Alexander, Pompey, and Conſtantine. The authority which the Roman ſenate and people had anciently exerciſed, of electing and confirming the emperors, was now by Charlemain transferred to the Roman pontificate; and to prevent ſeditions, the power of confirming the pontiff was given to the emperor :—a promiſing alliance! Afterwards, in 1002, Gregory the Fifth ordained a conſtitution, which continues to this time, that the election of future emperors ſhould be free in the power of the Germans, and the eccleſiaſtical

eleſiaſtical and temporal electorates were then created*.

In 1111 Mantoua fell into diſcords, threw off her ſubjection to Matilda, and aſſumed an independence; but being beſieged and reduced to great diſtreſs, was obliged to ſubmit again to that princeſs.

In 1114 Sigibert, an enterprizing man, took the opportunity of the troubles in Italy to aggrandize himſelf, and going from Lucca, he made himſelf lord of Parma and Reggio. He was a Lombard by deſcent, and was prefect or lord of thoſe cities. Sigibert had three ſons, Sigibert the Second, Atto, and Gerardo; two of them died, and Atto alone remained, who by the change of the letters was afterwards called Azzo. He fortified Canoſſa, in Reggiano, and there inhabited as his principal ſeat, whence his deſcendants were called da Canoſſa. He had two ſons, the firſt of whom was named Tedaldo, and the other, uniting the names of his grandfather and father, was called Sigibertazzo, although it was afterwards corruptly called Albertazzo. This perſon was ſent into Germany, and recommended himſelf to Otto, the emperor, ſo effectually, as to obtain a grant for his ſervices of Calaone, Monſelice, Montagnana, Arqui, and *Eſte*, with the title of marquis. He married Alda, a natural daughter of the emperor. From this match there iſſued two ſons, Ugo and Falco: the latter remained in Germany with his mother; Ugo came into Italy with his father, and ſucceeded to the lands above mentioned, and to the marquiſate of Eſte. From this Ugo are deſcended the illuſtrious lords of the houſe of Eſte, who reigned ſo long in Ferrara; and from them were deſcended the family that was called the Canoſſi of Verona.

* Equicola, p. 25. Commentari Mantouani.

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There was in Mantoua, in 1265, four moſt powerful families, and four others their adherents, of ſomewhat leſs influence. The Bonacolſi and Groſſolani inhabited one quarter; the Arlotti and the Poltroni another: theſe not long before had driven out the Caloroſi. In a third quarter were the Caſalodi and thoſe of Riva; and in the fourth, the Zenacalli and the Gaffari.

The government was, as in all the other cities of Italy, in one centre, a general council, who firſt appointed conſuls, then podeſtas, then gonfaloniers, captains of the people, &c. which produced the uſual ſtruggles for power; and in the year 1266 the Gaffari entered into a ſecret conſpiracy to deliver the city of Mantoua into the hands of the Eſtenſi, lords of Ferrara. The treaſon was diſcovered, and thoſe who ſaved their lives by flight were baniſhed for ever, and the others inſtantly put to death, and the houſes of all who were accomplices or privy to the crime were burnt and demoliſhed. The power of individual citizens increaſed every day, and parties and factions in conſequence. The podeſta, though a foreigner was uſually created to that office, adminiſtered its functions according to the will and pleaſure of a ſmall number of the principal men. The juſtice of power, or the right of the ſtrongeſt, was inculcated, and equity gave way to violence*. In ſuch a tumult of the factions, the prudent men called a convention, to deliberate on a new form of government. Some were for ephori, as

* Creſceva ogni di piu la potenza de particolari, & augumentavanſi le fattioni & parti. Il podeſta, quale foreſtiere ſi ſoleva creare, ad arbitrio di alcuni pochi amminiſtrava, il ſuo officio: la gius titia dalla forza era conculcata, & l'equita cedeva alla violenza. Commentari Mantouani, di Equicola, p. 47, 48.

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in Sparta; others for coſmi, as in Crete; others for ſuffetes, as in Carthage: but the moſt were for hipati, as in Greece, or rather for two conſuls, as in Rome. Two magiſtrates were therefore created; and that they might be ſure to guard againſt ambition, they muſt be choſen in rotation every ſix months, two at a time, from each of the four quarters of the city. Theſe were to be called captains of the people, and were to be the protectors of the plebeians, and defenders of their liberties. Two magiſtrates, therefore from the body of the nobility, were appointed, in the nature of tribunes of the people, and thoſe were Pinamonte, of the family of Bonacolſi, and Ottonello, of that of Zenecalli, in the year 1274. Theſe had not continued one month in office together, before ſuch animoſities aroſe between the two families, that Zenecallo was treacherouſly called in the night into the palace, under pretence of conſulting upon ſome ſudden affair of the laſt importance, and there murdered by the Bonacolſi. The next morning the Bonacolſi called together the principal nobility, and, with fictitious grief and phariſaical tears, communicated the fact, and exhorted the people to revenge, wiſhing that every one might believe that the deceaſed magiſtrate had been aſſaulted and put to death by ſome private enemy. An inquiry was ordered, which engaged ſo much attention, and took up ſo much time, that no man ſpoke of any ſucceſſor, and therefore Pinamonte governed alone. The ſcramble for power was as yet altogether among the gentlemen. Benvenuta da Imola, in his commentaries upon Dante, where he reaſons of Mantoua, writes, that this city had been inhabited by gentlemen of Riva, of Mercaria, and of Caſaloldi; and that Bonacolſo had agreed with theſe houſes to expel from

from the city every other nobleman; and that afterwards, forming a particular agreement with two of them, he drove out the third; and then uniting with the Caſaloldi, he baniſhed the ſecond; and, finally, driving out the Caſaloldi, he remained alone, and by artifice, aſſiſted with force, continued without a colleague in the magiſtracy; and taking for his podeſta Alberto della Scala, for a ſtricter union he obtained the place of podeſta in Verona for Giannino de Bonacolſi, not failing to maintain a good intelligence with the marquis of Eſte. By all theſe arrangements he eaſily obtained from his followers the prolongation of his own power for another ſix months; and when he had thus laid his foundations ſufficiently ſtrong to ſupport any edifice, he aſſumed the title of captain-general. Theſe encroachments were very uneaſily ſupported by the nobles, who perceived that from free citizens they were became, by little and little, the ſubjects of a tyrant. Whereupon the Arlotti, the Caſaloldi, the Agnelli, and the Groſſolani, conſpired together to throw off the yoke: but Pinamonte being informed of the plot on the very day on which it was to have been executed, and being well prepared, he fell unexpectedly on the conſpirators, one after another, ſome of whom he took priſoners, others were killed, many wounded, and the great multitude ſaved themſelves by flight; many ſuſpected perſons were ſent out of their beloved home, and confined in various places. Pinamonte did not ceaſe to perſecute his adverſaries, until all things in the city appeared to be quieted under his dominion. The miſerable Mantouans were diſperſed in various places, and particularly in Gonzaga: but the tyrant had the art to hold out temptations of lands, reſtitution of property, and reſtoration

to

to their country, to theſe, till they ſurrendered to him that Gonzaga, which had often defended itſelf both againſt popes and emperors. Pinamonte then eſtabliſhed a friendſhip with Venice and Padoua, but was interrupted in his career in 1289 by death. The family of Bonacolſi, with Pinamonte at their head, had, by forming a popularity among the vileſt plebeians, been able to expel the other noble families, and make themſelves abſolute. So complete was their aſcendency over the minds of the rabble, that, upon the death of Pinamonte, the minority were not able to obtain any regular election or rational reform of the government; but Bardellone Bonacolſi was ſet up by his party for a ſucceſſor, a man univerſally hated, a monſter without virtue, abſurd in the conduct of his whole life, unſkilful, inſolent, without judgment or experience; equally ignorant and arrogant, vile and ſuſpicious, yet credulous, and a ſlave to adulation; devoted to cruelty and luſt. This peſtiferous tyrant governed in Mantua five years, according to Plantina; but the plebeians themſelves could bear him no longer, and ſet up another of the ſame family againſt him. Bottigella Bonacolſi with little difficulty was able to expel him, and Tamo his brother, one of whom died miſerably at Padoua, and the other at Ferrara. We paſs over the actions of Bottigella, and his wars with Cremona and with Azzo Eſtenſe, &c.

In 1308 Bottigella died, as well as his enemy Azzo: to the latter ſucceeded his ſon Fliſco, and to the former Paſſarino, his brother; for this plebeian tyranny was already become hereditary in the family. Although the government of Paſſarino was not remarkable for folly or ſeverity, yet Luigi Gonzaghi, who had connected himſelf in marriage with the Bonacolſi, being a man of abilities,

abilities, and knowing the general diſcontent of the people, and the univerſal hatred of the nobility againſt that family, entered into a concert with ſome of the neighbouring lords, as Cane della Scala, &c. found little difficulty to depoſe and expel Poſſarino, put him to death, and reign in his ſtead. The family of the Gonzaghi were named from the place of their ancient reſidence, which was Gonzaga. A multitude of conjectures and fables, collected from various authors, concerning the origin of this family, we paſs over. Guido Gonzaga, who fought againſt Manfred king of Naples, had five ſons, the firſt of whom was Luigi, the author and founder of the lordſhip and marquiſate of Mantoua.

In 1328, it is ſaid, that by the conſent of the people, according to the laws, and good cuſtoms, one was elected, after the death of Paſſarino in 1328, to whom, and to his ſucceſſors, was given for perpetuity the whole empire, as was uſual in the heroic times. The Mantouans reaſoned in this manner:—The mode of making a commonwealth perpetual, or of any long duration, is by prudence, which diſpoſes and rules with manly energy, as well as with wiſe diſcernment. This can alone be performed in a ſtate by means of juſtice, which diſtributes to every one his deſerts: to the good, rewards and honours; to the wicked, puniſhment and infamy. As the virtue of clemency is the daughter of magnanimity, and participates of divinity, we always applaud it when it extends only to offences committed againſt ourſelves; and it is commended in princes whenever pardon and mercy cannot cauſe an injury to the public, and give inſolence to the daring to riſe againſt the laws. It ſhould be a pleaſure to princes to remit private injuries; but, ſkilful in the

the healing art, they ſhould not be ſo partially compaſſionate as to heal one wound at the hazard of deſtroying the whole body. The liberty of the people conſiſts in two things, in the laws and the tribunals: when theſe prevail in a city, without favour, reſpect, or partiality, that city and its citizens are free.—Upon theſe principles the Mantouans, finding that liberty never had been enjoyed by them under their uncouth government of a republic, ſtrange to relate! adopted voluntarily an abſolute monarchy. Louis was elected and conſtituted upon theſe principles and for theſe reaſons, and began his reign by an aſſiduous attention to the revival of laws which had been trampled under foot, and by a diligent ſolicitude that all the good cuſtoms ſhould be obſerved with equality. And this is ſufficient for another example of the ſtruggles of a few families, in an unbalanced government, for pre-eminence, and of the final triumph of the Gonzaghi over the Bonacolſi, in a monarchy erected on the ruins of a republic.

LETTER V.

MONTEPULCIANO.

Dear Sir,

CHIUCI, the country and reſidence of Porſenna, the ancient king to whom Tarquin fled for hoſpitality, was one of the moſt ancient and powerful cities of Tuſcany or Etruria. As Chiuſi was in a low ſituation and a bad air, Porſenna choſe, for his pleaſure and his health, a mountain in the neighbourhood, where was a ſalubrious atmoſphere and an admirable proſpect; an ample plain, the lake of Thraſimene, and the river of Chiane, with hills and vallies loaded with every production of the earth, in grapes, grains, and fruits, in the moſt perfect elegance and abundance, were around it.

In after ages, upon a civil war in Chiuſi between the gentlemen and plebeians, in which the former were expelled, they retired to this mountain, and gave it the name of Mons Politicus, which was corrupted afterwards, in the vulgar pronunciation, into Monſpolitianus, and ſince into Montepulciano. The plebeians of the ſame city paſſed the river, took poſſeſſion of another elevated ſituation, where they built a caſtle, and called it Caſtrum Plebis.

Though Florence and Siena have, at different times, pretended that Montepulciano was in their dominion: yet it is certain that, for three hundred years at leaſt, it was an independent ſove-

reign

reign republic. At an expence of continual wars it maintained its liberty. Its government was by podeſtas and general councils, like all the other cities; and its whole hiſtory is made up of revolutions, from nobles to plebeians, and from plebeians to nobles, Florence and Siena taking the parties of oppoſite factions. Even in this little village there were great families as well as little ones, the Guidos, Ugolinos, the Rulgnellos, and Rinieri, Continually ſtruggling for preſidence. In the year 1328 the Rinieri, or father the family del Pecora, were accounted noble, becauſe they were rich, and powerful in followers, adherents, and relations: they had increaſed in reputation and power to ſuch a degree, that they domineered at their diſcretion, over all their compatriots. The heads of the houſe were Jacob and Niccolas de Cavalieri, who governed in concurrence, with prudence and good order, till 1352, when diſſenſions and diſcords began to ariſe between them. Jocob concerted with Peter Sacconi, who governed in Arezzo, a project to make himſelf maſter of Montipulciano; but Niccolas, his colleague, revealed it to the governor of the people, who excited an inſurrection, and expelled Jacob, with twenty of his followers; and afterwards, with the influence and councils of Niccolas, the government was reformed, and all the friends of Jacob were excluded from any ſhare in it, according to the cuſtom and the nature of all majorities, when there is no power but a minority to rebuff their pretenſions*. Jacob, in his turn, had intrigued with Viſconti, archbiſhop of Milan, and his allies, and corrupting a notary, an officer on guard, broke down a gate in the night, entered with all

* Matt. Vill. lib. iii. c. 10. f, 146. an. 1352.

his

his men, and excited an uproar. Niccolas, a knight of great ſpirit, ſeized his arms, and with a few of his companions, mounting his horſe, without waiting for further help, attacked the enemy with ſuch impetuoſity that they fled in a panic. Jacob, with twenty-five horſemen, eſcaped; the others were taken, to the number of twenty-five, together with the notary and the guard. The governors of the people hanged thirty, and releaſed the reſt, having firſt marked them for ever, by ſlitting their noſes and cutting of their ears.

Jacob then fled to Siena, and there attempted to form connexions and obtain auxiliaries; and Niccolas, and the governors of the people of Montepulciano, applied to Perugia, and a war was excited between thoſe two cities, which was terminated by ambaſſadors, upon theſe conditions, that Montepulciano ſhould remain under the government of the people, under the protection of the commons of Siena, for twenty years; Jacob and Niccolas were to be indemnified for the expences, and their eſtates reſtored, and the commons of Florence and Perugia were to be guarantees. Tommaſi adds, that another condition was the reſtoration of all the refugees*. The next year the peace was broken, and Niccolas ſent into baniſhment; but collecting friends without, and concerting meaſures with his partiſans within, he found means to enter Montepulciano, with two hundred horſe and five hundred foot: but he met with ſuch a reſiſtance from his enemies in the place, and their Sieneſe allies, that he perceived he could not overcome them. He therefore took the barbarous reſolution to burn the town, and retire: his party ſet fire to as many houſes as

* Tom. lib. x. fo. 319. an. 1353.

poſſible.

poſſible, and while the people and ſoldiers were intent upon preventing the progreſs of the flames he retreated. Niccolas and Jacob, at length finding that they gained nothing and loſt much by continual quarrels, came to an agreement, and ſolicited the emperor to hold the government of Montepulciano as Imperial vicars: but the people would not admit them, becauſe the Sieneſe would not receive ſuch vicars. This occaſioned a freſh war between the commons of Montepulciano and thoſe of Siena on one ſide, and the Perugians, in conjunction with the Pecora family and their adherents, on the other. In this war a memorable battle was fought, and the Montepulcians diſtinguiſhed themſelves by ſo much valour, that the Perugians created four of them cavaliers, viz. John the ſon of Niccolas, and Gherard, the ſon of Jacob, and two of their nephews, Bertholdo and Corrado, all of the family del Pecora: and the Perugian conquerors, with their Montepulcian cavaliers, committed the cuſtomary depredations and devaſtations.

The government of the land being in the hands of the people, for the ſake of the public tranquillity Jacob and Niccolas del Pecora remained abroad in baniſhment, inhabiting Valiano, a ſtrong place, and a plentiful ſituation. The latter, knowing the nature of the citizens of Montepulciano, accuſtomed to hope more than they ought, and to tolerate leſs than was neceſſary, diſcontented and prone to novelties, vacillating between the commons of Siena and thoſe of Perugia through alternate envy, jealouſy, and reſentment, and being never at reſt, entered into a ſecret correſpondence with them, in order to return to his country. His purpoſe was in time accompliſhed, and he was joyfully received by the people, and mutual forgiveneſs

giveneſs of injuries and affronts was ſtipulated. Recollecting that the rupture between him and Jacob had been the cauſe of all the evils, he ſent a meſſenger to him, and a reconciliation was effected between them for the common benefit of their country. All was now joy, friendſhip, and feſtivity, in appearance, but the ſecret cauſes of diſcord were ſtill at work, and before the year 1363 produced another revolution, and Niccolas and his friends were again exiled.

Five years afterwards the exiles from Montepulciano, with ſome aſſiſtance from the grandees of Siena, entered and conquered their country, and ſent Jacob, who had made himſelf lord and maſter, to priſon. But the plebeians, and others, who had been oppreſſed by him, and mortally hated him, could not ſatiate their vengeance merely by burning and plundering all his property; they broke open his priſon, and tore him into pieces ſo ſmall, that no part of his body could ever be collected for ſepulture. The grandees were ſo tranſported with indignation at this infamous barbarity, that they put to death a great part of the plebeians, and baniſhed the remainder. They reformed the government of the land, however, into a popular ſtate, and baniſhed the Cavalieri as rebels. Not to purſue this relation to any greater length, it may be obſerved in general, that this little hill maintained its independence for three hundred years, by the mutual jealouſies of Florence, Seina, and Perugia; but it was by uninterrupted wars with one or the other of them, all in their turns ſeeking its alliance or ſubjugation, and all in their turns taking its part when in danger of being ſubdued by any one. This occaſioned a continual vacillation of its friendſhip and enmity with thoſe cities, and conſtant revolutions

tions of government at home upon every change. There was no balance in their government by which parties or powerful individuals might be reſtrained, and a few families were continually ſcrambling for ſuperiority. There were no nobles by name, that is, there were no marquiſſes, counts, or barons; but there were gentlemen and common people, and the gentlemen were called cavaliers, becauſe they could afford to keep a horſe, or at moſt three horſes to each man. The family del Pecora was the principal one of theſe cavaliers, and they enſlaved their country of courſe, as the Medici did in Florence.—Perhaps it may be ſaid, that in America we have no diſtinctions of ranks, and therefore ſhall not be liable to thoſe diviſions and diſcords which ſpring from them; but have we not laborious yeomen, gentlemen, eſquires, honourable gentlemen, and excellent gentlemen? and are not theſe diſtinctions eſtabliſhed by law? have they not been eſtabliſhed by our anceſtors from the firſt plantation of the country? and are not thoſe diſtinctions as earneſtly deſired and ſought, as titles, garters, and ribbons are in any nation of Europe? We may look as wiſe, and moralize as gravely as we will; we may call this deſire of diſtinction childiſh and ſilly; but we cannot alter the nature of men: human nature is thus childiſh and ſilly; and its Author has made it ſo, undoubtedly for wiſe purpoſes; and it is ſetting ourſelves up to be wiſer than Nature, and more philoſophical than Providence, to cenſure it. All that we can ſay in America is, that legal diſtinctions, titles, powers, and privileges, are not hereditary; but that the diſpoſition to artificial diſtinctions, to titles, and ribbons, and to the hereditary deſcent of them, is ardent in America, we may ſee by the inſtitution of the Cincinnati.

Cincinnati. There is not a more remarkable phænomenon in univerſal hiſtory, nor in univerſal human nature, than this order. The officers of an army, who had voluntarily engaged in a ſervice under the authority of the people, whoſe creation and preſervation was upon the principle that the body of the people were the only fountain of power and of honour; officers too as enlightened and as virtuous as ever ſerved in any army; the moment they had anſwered the end of their creation, inſtituted titles and ribbons, and hereditary deſcents, by their own authority only, without the conſent or knowledge of the people, or their repreſentatives or legiſlatures. If theſe gentlemen had been of opinion that titles and ribbons were neceſſary in ſociety to have been conſiſtent, they ſhould have taken meaſures for calling conventions of the people, where it ſhould have been determined, firſt, whether any ſuch diſtinction ſhould be introduced; ſecondly how many ſuch orders; thirdly, what number of individuals of each; and laſtly, there ſhould have been in convention a general election of noblemen for each of the thirteen ſtates. As great injuſtice may be done by given too much honour to one, and too little to another, as by committing treſpaſſes upon property, or ſlanders upon reputations, the public good requires juſtice in the diſtribution of fame as well as fortune; and the public, or ſome tribunal erected by the public, can be alone competent to the deciſion.

As there is no inſtance more parallel than this of Montepulciano, where the people who owned horſes agreed together to call themſelves cavaliers, and thus created a diſtinct order in the ſtate, this opportunity has been taken to make an obſervation

tion upon an inſtitution, which ought not to be paſſed over in conſidering the ſubject of theſe letters. It is greatly to be wiſhed that the officers would voluntarily diſcontinue their ſocieties, and lay aſide their eagles, which will do them, as well as the community, much more hurt than good: they have already excluded many excellent men from places in civil life, to which their merit in other reſpects entitled them; they have excited diſputes which are very pernicious; they are founded on no principle of morals, true policy, or our own conſtitution.

LETTER VI.

The right Conſtitution of a Commonwealth, examined.

Dear Sir,

THE Engliſh nation, for their improvements in the theory of government, has, at leaſt, more merit with the human race than any other among the moderns. The late moſt beautiful and liberal ſpeculations of many writers, in various parts of Europe, are manifeſtly derived from Engliſh ſources. Americans too ought for ever to acknowledge their obligations to Engliſh writers, or rather have as good a right to indulge a pride in the recollection of them as the inhabitants of the three kingdoms. The original plantation of our country was occaſioned, her continual growth has been promoted, and her

preſent liberties have been eſtabliſhed, by theſe generous theories. There have been three periods in the hiſtory of England, in which the principles of government have been anxiouſly ſtudied, and very valuable productions publiſhed, which at this day, if they are not wholly forgotten in their native country are perhaps more frequently read abroad than at home.—The firſt of theſe periods was that of the Reformation, as early as the writings of Machiavel himſelf, who is called the great reſtorer of the true politics. "The Shorte Treatiſe "of Polticke Power, and of the true Obedience "which Subjects owe to Kyngs and other civile "Governors, with an exhortation to all true natu-"ral Engliſhmen, compyled by John Ponnet, D.D." was printed in 1556, and contains all the eſſential principles of liberty which were afterwards dilated on by Sidney and Locke. This writer is clearly for a mixed government, in three equiponderant branches, as appears by theſe words, p. 7. "In "ſome countreyes they were content to be go-"verned, and have the laws executed, by one "king or judge; in ſome places by many of the "beſt ſorte; in ſome places by the people of the "loweſt ſorte; and in ſome places alſo by the "king, nobilitie, and the people all together. "And theſe diverſe kyndes of ſtates, or policies "had their diſtincte names; as where one ruled a "manarchie; where many of the beſt, ariſto-"cratie; and where the multitude, democratie; "and where all together, that is a king, the no-"bilitie, and commons, a mixture ſtate; and which "men by long continuance have judged to be the "beſt ſort of all: for where that mixture ſtate was "exerciſed, there did the commonwealthe longeſt "continue."—The ſecond period was the Interregnum, and indeed the whole interval between

1640

1640 and 1660. In the courſe of thoſe twenty years, not only Ponnet and others were reprinted, but Harrington, Milton, the Vindiciæ contra Tyrannos, and a multitude of others, came upon the ſtage.—The third period was the Revolution in 1688, which produced Sidney, Locke, Hoadley, Trenchard, Gordon, Plato Redivivus, who is alſo clear for three equipollent branches in the mixture, and others without number. The diſcourſes of Sidney were indeed written before, but the ſame cauſes produced his writings and the Revolution.—Americans ſhould make collections of all theſe ſpeculations, to be preſerved as the moſt precious relics of antiquity, both for curioſity and uſe. There is one indiſpenſable rule to be obſerved in the peruſal of all of them; and that is, to conſider the period in which they were written, the circumſtances of the times, and the perſonal character as well as the political ſituation of the writer. Such a precaution as this deſerves particular attention in examining a work, printed firſt in the Mercurius Politicus, a periodical paper publiſhed in defence of the commonwealth, and reprinted in 1656, by Marchamont Nedham, under the title of "The Excellency of a free State, or the right "Conſtitution of a Commonwealth." The nation had not only a numerous nobility and clergy at that time diſguſted, and a vaſt body of the other gentlemen, as well as of the common people, deſirous of the reſtoration of the exiled royal family, but many writers explicitly eſpouſed the cauſe of ſimple monarchy and abſolute power: among whom was Hobbes, a man, however unhappy in his temper, or deteſtable for his principles, equal in genius and learning to any of his contemporaries. Others were employed in ridiculing the doctrine, that laws, and not men,

ſhould

ſhould govern. It was contended, that to ſay "that laws do or can govern, is to amuſe our-"ſelves with a form of ſpeech, as when we ſay "time, or age, or death, does ſuch a thing. "That the government is not in the law, but in "the perſon whoſe will gives a being to that law. "That the perfection of monarchy conſiſts in go-"verning by a nobility, weighty enough to keep "the people under, yet not tall enough, in any "particular perſon, to meaſure with the prince; "and by a moderate army, kept up under the "notion of guards and garriſons, which may be "ſufficient to ſtrangle all ſeditions in the cradle; "by councils, not ſuch as are co-ordinate with "the prince, but purely of advice and diſpatch, "with power only to perſuade, not limit, the "prince's will*." In ſuch a ſituation, writers on the ſide of liberty thought themſelves obliged to conſider what was then practicable, not abſtracted-ly what was the beſt: they felt the neceſſity of leaving the monarchical and ariſtocratical orders out of their ſchemes of government, becauſe all the friends of thoſe orders were their enemies, and of addreſſing themſelves wholly to the democra-tical party, becauſe they alone were their friends; at leaſt there appears no other hypotheſis on which to acconnt for the crude conceptions of Milton and Nedham. The latter, in his preface, diſcovers his apprehenſions and feelings, too clearly to be miſtaken, in theſe words: "I be-"lieve none will be offended with this following "diſcourſe, but thoſe that are enemies to public "welfare: let ſuch be offended ſtill; it is not for "their ſakes that I publiſh this enſuing treatiſe,

* See the political pamphlets of that day, written on the ſide of monarchy.

"but

" but for your ſakes that have been *noble patriots*, " *fellow-ſoldiers* and *ſufferers* for the liberties and " freedoms of your country." As Mr. Turgot's idea of a commonwealth, in which all authority is to be collected into one centre, and that centre the nation, is ſuppoſed to be preciſely the project of Marchamont Nedham, and probably derived from his book, and as " The Excellency of " a free State" is a valuable morſel of antiquity well known in America, where it has many partiſans, it may be worth while to examine it, eſpecially as it contains every ſemblance of argument which can poſſibly be urged in favour of the ſyſtem, as it is not only the popular idea of a republic both in France and England, but is generally intended by the words *republic*, *commonwealth*, and *popular ſtate*, when uſed by Engliſh writers, even thoſe of the moſt ſenſe, taſte, and learning.

Marchamont Nedham lays it down as a fundamental principle, and an undeniable rule, " that " the people, that is, ſuch as ſhall be ſucceſſively " choſen to repreſent the people, are the beſt " keepers of their own liberties, and that for " many reaſons: Firſt, becauſe they never think " of uſurping over other men's rights, but mind " which way to preſerve their own."

Our firſt attention ſhould be turned to the propoſition itſelf, " The people are the beſt keepers " of their own liberties." But who are the people? " Such as ſhall be ſucceſſively choſen to re- " preſent them."—Here is a confuſion both of words and ideas, which, though it may paſs with the generality of readers in a fugitive pamphlet, or with a majority of auditors in a popular harangue, ought, for that very reaſon, to be as carefully avoided in politics as it is in philoſophy or mathematics. If by the people is meant the whole

whole body of a great nation, it ſhould never be forgotten, that they can never act, conſult, or reaſon together, becauſe they cannot march five hundred miles, nor ſpare the time, nor find a ſpace to meet; and therefore the propoſition, that they are the beſt keepers of their own liberties, is not true. They are the worſt conceiveable; they are no keepers at all: they can neither act, judge, think, or will, as a body politic or corporation. If by the people is meant all the inhabitants of a ſingle city, they are not in a general aſſembly, at all times, the beſt keepers of their own liberties, nor perhaps at any time, unleſs you ſeparate from them the executive and judicial power, and temper their authority in legiſlation with the maturer councils of the one and the few. If it is meant by the people, as our author explains himſelf, a repreſentative aſſembly, "ſuch as ſhall be "ſucceſſively choſen to repreſent the people," they are not ſtill the beſt keepers of the people's liberties, or their own, if you give them all the power, legiſlative, executive, and judicial: they would invade the liberties of the people, at leaſt the majority of them would invade the liberties of the minority, ſooner and oftener than an abſolute monarchy, ſuch as that of France, Spain, or Ruſſia, or than a well-checked ariſtocracy, like Venice, Bern, or Holland. An excellent writer has ſaid, ſomewhat incautiouſly, that "a people will "never oppreſs themſelves, or invade their own "rights." This compliment, if applied to human nature, or to mankind, or to any nation or people in being or in memory, is more than has been merited. If it ſhould be admitted, that a people will not unanimouſly agree to oppreſs themſelves, it is as much as is ever, and more than is always, true. All kinds of experience

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ſhew, that great numbers of individuals do oppreſs great numbers of other individuals; that parties often, if not always, oppreſs other parties; and majorities almoſt univerſally minorities. All that this obſervation can mean then, conſiſtently with any colour of fact, is, that the people will never unanimouſly agree to oppreſs themſelves: but if one party agrees to oppreſs another, or the majority the minority, the people ſtill oppreſs themſelves, for one part of them oppreſs another. —"The people never think of uſurping over "other men's rights." What can this mean? Does it mean that the people never *unanimouſly* think of uſurping over other men's rights? This would be trifling, for there would, by the ſuppoſition, be no other men's rights to uſurp. But if the people never jointly, nor ſeverally, think of uſurping the rights of others, what occaſion can there be for any government at all? Are there no robberies, burglaries, murders, adulteries, thefts, nor cheats? Is not every crime an uſurpation over other men's rights? Is not a great part, I will not ſay the greateſt part, of men detected every day in ſome diſpoſition or other, ſtronger or weaker, more or leſs, to uſurp over other men's rights? There are ſome few, indeed, whoſe whole lives and converſations ſhow, that in every thought, word, and action, they conſcientiouſly reſpect the rights of others: there is a larger body ſtill, who, in the general tenor of their thoughts and actions, diſcover ſimilar principles and feelings, yet frequently err. If we ſhould extend our candour ſo far as to own that the majority of men are generally under the dominion of benevolence and good intentions, yet it muſt be confeſſed that a vaſt majority frequently tranſgreſs; and, what is more directly to the point, not only a majority,

majority, but almoſt all, confine their benevolence to their families, relations, perſonal friends, pariſh, village, city, county, province, and that very few indeed extend it impartially to the whole community. Now grant but this truth, and the queſtion is decided: if a majority are capable of preferring their own private intereſt, or that of their families, counties, and party, to that of the nation collectively, ſome proviſion muſt be made in the conſtitution, in favour of juſtice, to compel all to reſpect the common right, the public good, the univerſal law, in preference to all private and partial conſiderations.

The propoſition of our author then ſhould be reverſed, and it ſhould have been ſaid, that they mind ſo much their own, that they never think enough of others. Suppoſe a nation, rich and poor, high and low, ten millions in number, all aſſembled together; not more than one or two millions will have lands, houſes, or any perſonal property: if we take into the account the women and children, or even if we leave them out of the queſtion, a great majority of every nation is wholly deſtitute of property, except a ſmall quantity of clothes, and a few trifles of other moveables. Would Mr. Nedham be reſponſible that, if all were to be decided by a vote of the majority, the eight or nine millions who have no property, would not think of uſurping over the rights of the one or two millions who have? Property is ſurely a right of mankind as really as liberty. Perhaps, at firſt, prejudice, habit, ſhame, or fear, principle or religion, would reſtrain the poor from attacking the rich, and the idle from uſurping on the induſtrious; but the time would not be long before courage and enterprize would come, and pretexts be invented by degrees, to countenance

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the majority in dividing all the property among them, or at leaſt in ſharing it equally with its preſent poſſeſſors. Debts would be aboliſhed firſt; taxes laid heavy on the rich, and not at all on the others; and at laſt a downright equal diviſion of every thing be demanded, and voted. What would be the conſequence of this? The idle, the vicious, the intemperate, would ruſh into the utmoſt extravagance of debauchery, ſell and ſpend all their ſhare, and then demand a new diviſion of thoſe who purchaſed from them. The moment the idea is admitted into ſociety, that property is not as ſacred as the laws of God, and that there is not a force of law and public juſtice to protect it, anarchy and tyranny commence. If "THOU "SHALT NOT COVET," and "THOU SHALT NOT "STEAL," were not commandments of Heaven, they muſt be made inviolable precepts in every ſociety before it can be civilized or made free. If the firſt part of the propoſition, viz. that "the "people never think of uſurping over other "men's rights," cannot be admitted, is the ſecond, viz. that "they mind which way to pre-"ſerve their own," better founded?—There is in every nation and people under heaven a large proportion of perſons who take no rational and prudent precautions to preſerve what they have, much leſs to acquire more. Indolence is the natural character of man, to ſuch a degree, that nothing but the neceſſities of hunger, thirſt, and other wants equally preſſing, can ſtimulate him to action, until education is introduced in civilized ſocieties, and the ſtrongeſt motives of ambition to excel in arts, trades and profeſſions, are eſtabliſhed in the minds of all men: until this emulation is introduced, the lazy ſavage holds property in too little eſtimation to give himſelf

trouble for the preſervation or acquiſition of it. In ſocieties the moſt cultivated and poliſhed, vanity, faſhion, and folly, prevail over every thought of ways to preſerve their own: they ſeem rather chiefly to ſtudy what means of luxury, diſſipation and extravagance, they can invent to get rid of it. "The caſe is far otherwiſe among "kings and grandees," ſays our author, "as all "nations in the world have felt to ſome purpoſe;" that is, in other words, kings and grandees think of uſurping over other men's rights, but do not mind which way to preſerve their own. It is very eaſy to flatter the democratical portion of ſociety, by making ſuch diſtinctions between them and the monarchical and ariſtocratical; but flattery is as baſe an artifice, and as pernicious a vice, when offered to the people, as when given to the others. There is no reaſon to believe the one much honeſter or wiſer than the other; they are all of the ſame clay, their minds and bodies are alike. The two latter have more knowledge and ſagacity derived from education, and more advantages for acquiring wiſdom and virtue. As to uſurping others rights, they are all three equally guilty when unlimited in power: no wiſe man will truſt either with an opportunity; and every judicious legiſlator will ſet all three to watch and controul each other. We may appeal to every page of hiſtory we have hitherto turned over, for proofs irrefragable, that the people when they have been unchecked, have been as unjuſt, tyrannical, brutal, barbarous, and cruel, as any king or ſenate poſſeſſed of uncontroulable power: the majority has eternally, and without one exception, uſurped over the rights of the minority. "They naturally "move," ſays Nedham, "within the circle of "domination, as in their proper centre." When writers

writers on legiſlation have recourſe to poetry, their images may be beautiful, but they prove nothing. This, however, has neither the merit of a brilliant figure, nor of a convincing argument: the populace, the rabble, the canaille, move as naturally in the circle of domination, whenever they dare, as the nobles or a king; nay, although it may give pain, truth and experience force us to add, that even the middling people, when uncontrouled, have moved in the ſame circle, and have not only tyrannized over all above and all below, but the majority among themſelves has tyrannized over the minority. "And count it no leſs "ſecurity, than wiſdom and policy, to brave it "over the people." Declamatory flouriſhes, although they may furniſh a mob with watch-words, afford no reaſonable conviction to the underſtanding. What is meant by braving it? In the hiſtory of Holland you will ſee the people braving it over the De Witts; and in that of Florence, Siena, Bologna, Piſtoia, and the reſt, over many others*. "Cæſar, Craſſus, and another, "made a contract with each other, that nothing "ſhould be done without the concurrence of all "three; Societatem iniere, nequid ageretur in "republica, quod diſplicuiſſet ulli, e tribus." Nedham could not have ſelected a leſs fortunate example for his purpoſe, ſince there never was a more arrant creature of the people than Cæſar; no, not even Catiline, Wat Tyler, Maſſianello, or Shaſe. The people created Cæſar on the ruins of the ſenate, and on purpoſe to uſurp over the rights of others. But this example, among innumerable others, is very appoſite for our purpoſe. It happens univerſally, when the people in a body,

*Read the Harangue, vol. ii. p. 67.

or

or by a ſingle repreſentative aſſembly, attempt to exerciſe all the powers of government, they always create three or four idols, who make a bargain with each other firſt, to do nothing which ſhall diſpleaſe any one: theſe hold this agreement, until one thinks himſelf able to diſembarraſs himſelf of the other two; then they quarrel, and the ſtrongeſt becomes ſingle tyrant. But why is the name of Pompey omitted, who was the third of this triumvirate? Becauſe it would have been too unpopular; it would have too eaſily confuted his argument, and have turned it againſt himſelf, to have ſaid that this aſſociation was between Pompey, Cæſar, and Craſſus, againſt Cato, the ſenate, the conſtitution and liberty, which was the fact. Can you find a people who will never be divided in opinion? who will be always unanimous? The people of Rome were divided, as all other people ever have been and will be, into a variety of parties and factions. Pompey, Craſſus, and Cæſar, at the head of different parties, were jealous of each other: their diviſions ſtrengthened the ſenate and its friends, and furniſhed means and opportunities of defeating many of their ambitious deſigns. Cæſar perceived it, and paid his court both to Pompey and Craſſus, in order to hinder them from joining the ſenate againſt him. He ſeparately repreſented the advantage which their enemies derived from their miſunderſtandings, and the eaſe with which, if united, they might concert among themſelves all affairs of the republic, gratify every friend, and diſappoint every enemy*. The other example, of Auguſtus, Lepidus, and Antony, is equally unfortunate: both

* Dio. Caſſ. lib. xxxvii. c. 54, 55. Plutarch in Pomp. Cæſar, & Craſſus.

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are demonſtrations that the people did think of uſurping others rights, and that they did not mind any way to preſerve their own. The ſenate was now annihilated, many of them murdered: Auguſtus, Lepidus, and Antony, were popular demagogues, who agreed together to fleece the flock between them, until the moſt cunning of the three deſtroyed the other two, fleeced the ſheep alone, and tranſmitted the ſhears to a line of tyrants. How can this writer ſay then, that, "while the government remained untouched in "the people's hands, every particular man lived "ſafe?" The direct contrary is true. Every man lived ſafe, only while the ſenate remained as a check and balance to the people: the moment that controul was deſtroyed, no man was ſafe. While the government remained untouched in the various orders, the conſuls, ſenate, and people, mutually balancing each other, it might be ſaid, with ſome truth, that no man could be undone, unleſs a true and ſatisfactory reaſon was rendered to the world for his deſtruction: but as ſoon as the ſenate was deſtroyed, and the government came untouched into the people's hands, no man lived ſafe but the triumvirs and their tools; any man might be, and multitudes of the beſt men were, undone, without rendering any reaſon to the world for their deſtruction, but the will, the fear, or the revenge of ſome tyrant. Theſe popular leaders, in our author's own language, "ſaved "and deſtroyed, depreſſed and advanced, whom "they pleaſed, with a wet finger."

The ſecond argument to prove that the people, in their ſucceſſive ſingle aſſemblies, are the beſt keepers of their own liberties, is, "becauſe it is "ever the people's care to ſee that authority be "ſo

" ſo conſtituted, that it ſhould be rather a burthen " than profit to thoſe that undertake it; and " be qualified with ſuch ſlender advantages of " profit or pleaſure, that men ſhall reap little " by the enjoyment. The happy conſequence " whereof is this, that none but honeſt, generous, " and public ſpirits, will then deſire to be in au- " thority, and that only for the common good. " Hence it was, that in the infancy of the Roman " liberty there was no canvaſſing for voices; but " ſingle and plain-hearted men were called, in- " treated, and in a manner forced with impor- " tunity to the helm of government, in regard " of that great trouble and pains that followed " the employment. Thus Cincinnatus was fetch- " ed out of the field from his plow, and placed, " much againſt his will, in the ſublime dignity of " dictator: ſo the noble Camillus, and Fabius, " and Curius, were, with much ado, drawn from " the recreation of gardening to the trouble of " governing; and the conſul year being over, " they returned with much gladneſs again to " their private employment."

The firſt queſtion which would ariſe in the mind of an intelligent and attentive reader would be, whether this were burleſque, and a republic traveſty? But as the principle of this ſecond reaſon is very pleaſing to a large body of narrow ſpirits in every ſociety, and as it has been adopted by ſome reſpectable authorities, without ſufficient conſideration, it may be proper to give it a ſerious inveſtigation.

The people have, in ſome countries and ſeaſons, made their ſervices irkſome; and it is popular with ſome to make authority a burthen. But what has been the conſequence to the people? Their ſervice has been deſerted, and they have been

been betrayed. Thoſe very perſons who have flattered the meanneſs of the ſtingy, by offering to ſerve them gratis, and by purchaſing their ſuffrages, have carried the liberties and properties of their conſtituents to market, and ſold them for very handſome private profit to the monarchical and ariſtocratical portions of ſociety: and ſo long as the rule of making their ſervice a burthen is perſiſted in, ſo long will the people be ſerved with the ſame kind of addreſs and fidelity, by hypocritical pretences to diſintereſted benevolence and patriotiſm, until their confidence is gained, their affections ſecured, and their enthuſiaſm excited, and by knaviſh bargains and ſales of their cauſe and intereſt afterwards. But although there is always among the people a party who are juſtly chargeable with meanneſs and avarice, envy and ingratitude, and this party has ſometimes been a majority, who have literally made their ſervice burthenſome, yet this is not the general character of the people; a more univerſal fault is, too much affection, confidence, and gratitude, not to ſuch as really ſerve them, whether with or againſt their inclinations, but to thoſe who flatter their inclinations, and gain their hearts. Honeſt and generous ſpirits will diſdain to deceive the people; and if the public ſervice is wilfully rendered burthenſome, they will really be averſe to be in it: but hypocrites enough will be found, who will pretend to be alſo loath to ſerve, and feign a reluctant conſent for the public good, while they mean to plunder in every way they can conceal. There are conjunctures when it is the duty of a good citizen to hazard and ſacrifice all for his country: but, in ordinary times, it is equally the duty and intereſt of the community not to ſuffer it. Every wiſe and free people,

people, like the Romans, will eſtabliſh the maxim, to ſuffer no generous action for the public to go unrewarded. Can our author be ſuppoſed to be ſincere, in recommending it as a principle of policy to any nation to render her ſervice in the army, navy, or in council, a burthen, an unpleaſant employment, to all her citizens? Would he depend upon finding human ſpirits enough to fill public offices, who would be ſufficiently elevated in patriotiſm and general benevolence to ſacrifice their eaſe, health, time, parents, wives, children, and every comfort, convenience, and elegance of life, for the public good? Is there any religion or morality that requires this? which permits the many to live in affluence and eaſe, while it obliges a few to live in miſery for their ſakes? The people are fond of calling public men their ſervants, and ſome are not able to conceive them to be ſervants, without making them ſlaves, and treating them as planters treat their negroes. But, good maſters, have a care how you uſe your power: you may be tyrants as well as public officers. It ſeems, according to our author himſelf, that honeſty and generoſity of ſpirit, and the paſſion of the public good, were not motives ſtrong enough to induce his heroes to deſire to be in public life: they muſt be called, intreated, and forced by ſingle and plain-hearted men, he means the ſame, no doubt, with thoſe deſcribed by the other expreſſions, honeſt, generous, and public ſpirits. Cincinnatus, Camillus, Fabius, and Curius, were men as ſimple and as generous as any; and theſe all, by his own account, had a ſtrong averſion to the public ſervice. Either theſe great characters muſt be ſuppoſed to have practiſed the Nolo Epiſcopari, to have held up a fictitious averſion for what they really deſired, or

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we muſt allow their reluctance to have been ſincere. If counterfeit, theſe examples do not deſerve our imitation; if ſincere, they will never be followed by men enough to carry on the buſineſs of the world. The glory of theſe Roman characters cannot be obſcured, nor ought the admoration of their ſublime virtues to be diminiſhed; but ſuch examples are as rare among ſtateſmen, as Homers and Miltons among poets. A free people of common ſenſe will not depend upon finding a ſufficient number of ſuch characters at any one time, but leſs a ſucceſſion of them for any long duration, for the ſupport of their liberties. To make a law, that armies ſhould be led, ſenates counſelled, negociations conducted, by none but ſuch characters, would be to decree that the buſineſs of the world ſhould come to a full ſtand: and it muſt have ſtood as ſtill in thoſe periods of the Roman hiſtory as at this hour; for ſuch characters were nearly as ſcarce then as they are now. The parallels of Lyſander, Pericles, Themiſtocles, and Cæſar, are much eaſier to find in hiſtory, than thoſe of Camillus, Fabius, and Curius. If the latter were with much difficulty drawn from their gardens to government, and returned with pleaſure at the end of the conſular year to their rural amuſements; the former are as ardent to continue in the public ſervice, and if the public will not legally reward them, they plunder the public to reward themſelves. The father of Themiſtocles had more averſion to public life than Cincinnatus; and, to moderate the propenſity of his ſon, who ardently aſpired to the higheſt offices of the ſtate, pointed to the old gallies rolling in the docks—"There," ſays he, "ſee the "old ſtateſmen, worn out in the ſervice of their "country, thus always neglected when no longer

" of uſe* !" Yet the ſon's ardour was not abated, though he was not one of thoſe honeſt ſpirits that aimed only at the public good. Pericles too, though his fortune was ſmall, and the honeſt emoluments of his office very moderate, diſcovered no ſuch averſion to the ſervice: on the contrary, he entered into an emulation in prodigality with Cimon, who was rich, in order equally to dazzle the eyes of the multitude. To make himſelf the ſoul of the republic, and maſter of the affections of the populace, to enable them to attend the public aſſemblies and theatrical repreſentations for his purpoſes, he laviſhed his donations: yet he was ſo far from being honeſt and generous, and aiming ſolely at the public good, that he availed himſelf of the riches of the ſtate to ſupply his extravagance of expence, and made it an invariable maxim to ſacrifice every thing to his own ambition. When the public finances were exhauſted, to avoid accounting for the public money, he involved his country in a war with Sparta.

But we muſt not rely upon theſe general obſervations alone: let us deſcend to a particular conſideration of our author's examples, in every one of which he is very unfortunate. The retirement of Cincinnatus to the country was not his choice, but his neceſſity: Cæſo, his ſon, had offended the people by an outrageous oppoſition to their honeſt ſtruggles for liberty, and had been fined for a crime; the father, rather than let his bondſmen ſuffer, paid the forfeiture of his recognizance, reduced himſelf to poverty, and the neceſſity of retiring to his ſpade or plough. Did the people intreat and force him back to Rome?

* Plutarch.

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No; it was the ſenate in oppoſition to the people, who dreaded his high ariſtocratical principles, his powerful connections, and perſonal reſentments. Nor did he diſcover the leaſt reluctance to the ſervice ordained him by the ſenate, but accepted it without heſitation. All this appears in Livy, clearly contradictory to every ſentiment of our author*. At another time, when diſputes ran ſo high between the tribunes and the ſenate that ſeditions were apprehended, the ſenators exerted themſelves in the centuries for the election of Cincinnatus, to the great alarm and terror of the people †. Cincinnatus, in ſhort, although his moral character and private life were irreproachable among the plebeians, appears to have owed his appointments to office, not to them, but the ſenate; and not for popular qualities, but for ariſtocratic ones, and the determined oppoſitions of himſelf and his whole family to the people. He appears to have been forced into ſervice by no party; but to have been as willing, as he was an able, inſtrument of the ſenate. In order to ſee the inaptitude of this example in another point of view, let the queſtion be aſked, What would have been the fortune of Cincinnatus, if Nedham's "right conſtitution" had then been the government of Rome? The anſwer muſt be, that he would have loſt his election, moſt probably even into the repreſentative aſſembly: moſt certainly he would

* Plebis concurſus ingens fuit: ſed ea nequaquam, tam læta Quintium vidit; et imperii nimirum, et virum, in ipſo imperio vehementiorem rata. Liv. lib. iii. c. 16.

† Summo patrum ſtudio, L. Quintius Cincinnatus, pater Cæſonis, conſul creatur, qui magiſtratum ſtatim acciperet, perculſa erat plebs conſulem habitura, iratum, potentem favore patrum, virtute ſua, tribus liberis, &c.

never

never have been conſul, dictator, or commander of armies, becauſe he was unpopular. This example, then, is no argument in favour of our author, but a ſtrong one againſt him.

If we recollect the character and actions of Curius, we ſhall find them equally concluſive in favour of balanced government, and againſt our authors plan. M. Curius Dentatus, in the year of Rome 462, obtained as conſul a double triumph, for forcing the Samnites to ſue for peace. This nation, having their country laid waſte, ſent their principal men as ambaſſadors, to offer preſents to Curius for his credit with the ſenate, in order to their obtaining favourable terms of peace. They found him ſitting on a ſtool before the fire, in his little houſe in the country, and eating his dinner out of a wooden diſh. They opened their deputation, and offered him the gold and ſilver. He anſwered them politely, but refuſed the preſents*. He then added ſomewhat, which at this day does not appear ſo very poliſhed: "I think it glorious to command the owners of "gold, not to poſſeſs it myſelf." And which paſſion do you think is the worſt, the love of gold, or this pride and ambition? His whole eſtate was ſeven acres of land, and he ſaid once in aſſembly, "that a man who was not contented "with ſeven acres of land, was a pernicious citi-"zen." As we paſs, it may be proper to remark the difference of times and circumſtances. How few in America could eſcape the cenſure of pernicious citizens if Curius's rule were eſtabliſhed. Is there one of our yeomen contented with ſeven acres? How many are diſcontented with ſeventy

* Val. Max. iv. 1. Cic de Senec. 55. Senec. Epiſt. v. Cic. pro Flacto, 28. Plin. Nat. xviii. 2.

times

times ſeven! Examples, then, drawn from times of extreme poverty, and a ſtate of a very narrow territory, ſhould be applied to our circumſtances with great diſcretion. As long as the ariſtocracy laſted, a few of thoſe rigid characters appeared from time to time in the Roman ſenate. Cato was one to the laſt, and went expreſsly to viſit the houſe of Curius, in the country of the Sabines: was never weary of viewing it, contemplating the virtues of its ancient owner, and deſiring warmly to imitate them. But though declamatory writings might call the conduct of Curius "exac-"tiſſima Romanæ frugalitatis norma," it was not the general character, even of the ſenators, at that time: avarice raged like a fiery furnace in the minds of creditors, moſt of whom were patricians; and equal avarice and injuſtice in the minds of plebeians, who, inſtead of aiming at moderating the laws againſt debtors, would be content with nothing ſhort of a total abolition of debts. Only two years after this, viz. in 465, ſo tenacious were the patricians and ſenators of all the rigour of their power over debtors, that Veturius, the ſon of a conſul, who had been reduced by poverty to borrow money at an exhorbitant intereſt, was delivered up to his creditor; and that infamous uſurer, C. Plotius, exacted from him all the ſervices of a ſlave, and the ſenate would grant no relief: and when he attempted to ſubject his ſlave to a brutal paſſion, which the laws did not tolerate, and ſcourged him with rods becauſe he would not ſubmit, all the puniſhment which the conſuls and ſenate would impoſe on Plotius was impriſonment. This anecdote proves that the indifference to wealth was far from being general, either among patricians or plebeians; and that it was confined to a few patrician families, whoſe tenaciouſneſs

tenaciouſneſs of the maxims and manners of their anceſtors *proudly* tranſmitted it from age to age. In 477 Curius was conſul a ſecond time, when the plague, and a war with Pyrrhus, had laſted ſo long as to threaten the final ruin of the nation, and obliged the centuries to chooſe a ſevere character, not becauſe he was beloved, but becauſe his virtues and abilities alone could ſave the ſtate. The auſtere character of the conſul was accompanied by correſpondent auſterities, in this time of calamity, in the cenſors, who degraded ſeveral knights and ſenators, and among the reſt Rufinus, who had been twice conſul and once dictator, for extravagance and luxury. Pyrrhus was defeated, and Curius again triumphed: and becauſe a continuance of the war with Pyrrhus was expected, again elected conſul, in 478. In 480 he was cenſor. After all, he was ſo little beloved, that an accuſation was brought againſt him for having converted the public ſpoils to his own uſe; and he was not acquited till he had ſworn that no part of them had entered his houſe but a wooden bowl, which he uſed in ſacrifice.—All theſe ſublime virtues, and magnanimous actions of Curius, make nothing in favour of Nedham. He was a patrician, a ſenator, and a conſul; he had been taught by ariſtocratical anceſtors, formed in an ariſtocratical ſchool, and was full of ariſtocratical pride. He does not appear to have been a popular man, either among the ſenators in general, or the plebeians. Rufinus, his rival, with his plate and luxury, appears to have been more beloved, by his being appointed dictator: notwithſtanding that the cenſors, on the prevalence of Curius's party, in a time of diſtreſs, were able to diſgrace him.

It was in 479 that the ſenate received an embaſſy from Ptolemy Philadelphus, king of Egypt, and ſent four of the principal men in Rome, Q. Fabius Gurges, C. Fabius Piſtor, Numer. Fabius Piſtor, and Q. Ogulnius, ambaſſadors to Egypt, to return the compliment. Q. Fabius, who was at the head of the embaſſy, was prince of the ſenate, and on his return reported their commiſſion to the ſenate: ſaid that the king had received them in the moſt obliging and honourable manner: that he had ſent them magnificent preſents on their arrival, which they had deſired him to excuſe them from accepting: that at a feaſt, before they took leave, the king had ordered crowns of gold to be given them, which they placed upon his ſtatues the next day: that on the day of their departure the king had given them preſents far more magnificent than the former, reproaching them, in a moſt obliging manner, for not having accepted them: theſe they had accepted, with moſt profound reſpect, not to offend the king, but that, on their arrival in Rome, they had depoſited them in the public treaſury: that Ptolemy had received the alliance of the Roman people with joy.—The ſenate were much pleaſed, and gave thanks to the ambaſſadors for having rendered the manners of the Romans venerable to foreigners by their ſincere diſintereſtedneſs: but decreed that *the rich preſents depoſited in the treaſury ſhould be reſtored to them*, and the people expreſſed their ſatisfaction in this decree. Theſe preſents were undoubtedly immenſely rich; but where was the people's care to make the ſervice a burthen? Thanks of the ſenate are no burthens; immenſe preſents in gold and ſilver, voted out of the treaſury into the hands of the ambaſſadors, were no "ſlender advantages of pro-

"fit

" fit or pleaſure," at a time when the nation was extremely poor, and no individual in it very rich. But, moreover, three of theſe ambaſſadors were Fabii, of one of thoſe few ſimple, frugal, ariſtocratical families, who neither made advantage of the law in favour of creditors, to make great profits out of the people by exorbitant uſury on one hand, nor gave largeſſes to the people to bribe their affections on the other: ſo that, although they were reſpected and eſteemed by all, they were not hated nor much beloved by any; and ſuch is the fate of men of ſuch ſimple manners at this day in all countries. Our author's great miſtake lies in his quoting examples from a balanced government, as proofs in favour of a government without a balance. The ſenate and people were at this time checks on each others avarice: the people were the electors in office, but none, till very lately, could be choſen but patricians; none of the ſenators, who enriched themſelves by plundering the public of lands or goods, or by extravagant uſury from the people, could expect their votes to be conſuls or other magiſtrates; and there was no commerce or other means of enriching themſelves: all, therefore, who were ambitious of ſerving in magiſtracies, were obliged to be poor. To this conſtant check and balance between the ſenate and people the production and the continuance of theſe frugal and ſimple patrician characters and families appear to be owing.

If our author meant another affair of 453, it is ſtill leſs to his purpoſe, or rather ſtill more concluſively againſt him. It was ſo far from being true in the year 454, the moſt ſimple and frugal period of Roman hiſtory, that "none but honeſt, "generous, and public ſpirits deſired to be in au-

"thority,

" thority, and that only for the common good," and that there " was no canvaſſing for voices," that the moſt illuſtrious Romans offered themſelves as candidates for the conſulſhip; and it was only the diſtreſs and imminent danger of the city from the Etrurians and Samnites, and an univerſal alarm, that induced the citizens to caſt their eyes on Fabius, who did not ſtand. When he ſaw the ſuffrages run for him, he aroſe and ſpoke: " Why " ſhould he be ſolicited, an old man, exhauſted " with labours and ſatiated with rewards, to take " the command? That neither the ſtrength of " his body or mind were the ſame. He dreaded " the caprice of fortune. Some divinity might " think his ſucceſs too great, too conſtant, too " much for any mortal. He had ſucceeded to " the glory of his anceſtors, and he ſaw himſelf " with joy ſucceeded by others. That great " honours were not wanting at Rome to valour, " nor valour to honours*." It was extreme age, not the " ſlender advantages of honours," that occaſioned Fabius's diſinclination, as it did that of Cincinnatus on another occaſion. This refuſal, however, only augmented the deſire of having him. Fabius then required the law to be read, which forbad the re-election of a conſul before ten years. The tribunes propoſed that it ſhould be diſpenſed with, as all ſuch laws in favour of rotations ever are when the people wiſh it. Fabius aſked why laws were made, if they were to

* Quid ſe jam ſenem, ac perfunctum laboribus, laborumque præmiis, ſolicitarent? Nec corporis, nec animi vigorem remanere eundem, et fortunam ipſam vereri, ne cui deorum nimia jam in ſe fortuna, et conſtantior, quam velint humanæ res, videatur. Et ſe gloriæ ſeniorum ſuccreviſſe, et ad gloriam ſuam conſurgentes alios lætum adſpicere. Nec *honores magnos* viris fortiſſimis, Romæ, nec honoribus deeſſe fortes viros. Liv.

be broken or diſpenſed with by thoſe who make them; and declared that the laws governed no longer, but were governed by men*. The centuries, however, perſevered, and Fabius was choſen. "May the gods make your choice ſucceſsful!" ſays the old hero; diſpoſe of me as you will, "but grant me one favour, Decius for my col-"league, a perſon worthy of his father and of "you, and one who will live in perfect harmony "with me." There is no ſuch ſtingineſs of honours on the part of the people, nor any ſuch reluctance to the ſervice for want of them, as our author pretends; it was old age, and reſpect to the laws only: and one would think the ſentiments and language of Fabius ſufficiently ariſtocratical; his glory, and the glory of his anceſtors and poſterity, ſeem to be uppermoſt in his thoughts: and that diſintereſt was not ſo prevalent in general appears this very year, for a great number of citizens were cited by the Ædiles to take their trials for poſſeſſing more land than the law permitted. All this rigour was neceſſary to check the avidity of the citizens. But do you ſuppoſe Americans would make or ſubmit to a law to limit to a ſmall number, or to any number, the acres of land which a man might poſſeſs? Fabius fought, conquered, and returned to Rome to preſide in the election of the new conſuls, and there appear circumſtances which ſhow, that the great zeal for him was chiefly ariſtocratical. The firſt centuries, all ariſtocratics, continued him. Appius Claudius, of conſular dignity, and ſurely not one of our author's "honeſt, generous, and "public ſpirits," nor one of his "ſingle and "plain-hearted men," but a warm, intereſted, and

* Jam regi leges, non regere.

ambitious

ambitious man, offered himſelf a candidate, and employed all his credit, and that of all the nobility, to be choſen conſul with Fabius, leſs, as he ſaid, for his private intereſt, than for the honour of the whole body of the patricians, whom he was determined to re-eſtabliſh in the poſſeſſion of both conſulſhips. Fabius declined, as the year before: but all the nobility ſurrounded his ſeat, and *intreated* him, to be ſure; but to do what? Why, to reſcue the conſulſhip from the drugs and filth of the people, to reſtore the dignity of conſul, and the order of patricians, to their ancient ariſtocratical ſplendor. Fabius appears indeed to have been urged into the office of conſul; but by whom? By the patricians, and to keep out a plebeian. The ſenate and people were checking each other: ſtruggling together for a point, which the patricians could carry in no way but by violating the laws, and forcing old Fabius into power. The tribunes had once given way, from the danger of the times; but this year they were not ſo diſpoſed. The patricians were ſtill eager to repeat the irregularity; but Fabius, although he declared he ſhould be glad to aſſiſt them in obtaining two patrician conſuls, yet he would not violate the law ſo far as to nominate himſelf; and no other patrician had intereſt enough to keep out L. Volumnius the plebeian, who was choſen with Appius Claudius. Thus facts and events, which were evidently created by a ſtruggle between two orders in a balanced government, are adduced as proofs in favour of a government with only one order, and without a balance.

Such ſevere frugality, ſuch perfect diſintereſtedneſs in public characters, appears only, or at leaſt moſt frequently, in ariſtocratical governments. Whenever the conſtitution becomes democratical, ſuch

ſuch auſterities diſappear entirely, or at leaſt loſe their influence, and the ſuffrages of the people; and if an unmixed and unchecked people ever chooſe ſuch men, it is only in times of diſtreſs and danger, when they think no others can ſave them: as ſoon as the danger is over they neglect theſe, and chooſe others more plauſible and indulgent.

There is ſo much pleaſure in the contemplation of theſe characters, that we ought by no means to forget Camillus. This great character was never a popular one: to the ſenate and the patricians he owed his great employments, and ſeems to have been ſelected for the purpoſe of oppoſing the people.

The popular leaders had no averſion, for themſelves or their families, to public honours and offices, with all their burthens. In 358 P. Licinius Calvus, the firſt of the plebeian order who had ever been elected military tribune, was about to be re-elected, when he aroſe and ſaid, "Romans, you behold only the ſhadow of Licinius; my ſtrength, hearing, memory, are all gone, and the energy of my mind is no more; ſuffer me to preſent my ſon to you (and he held him by the hand) the living image of him whom you honoured firſt of all the plebeians with the office of military tribune. I devote him, educated in my principles, to the commonwealth, and ſhall be much obliged to you if you will grant him the honour in my ſtead." Accordingly the ſon was elected. The military tribunes conducted with great ardour and bravery, but were defeated, and Rome was in a panic, very artfully augmented by the patricians, to give a pretext for taking the command out of plebeian hands. Camillus was created dictator by the ſenate, and carried on the war with ſuch prudence, abili-

ty,

ty, and ſucceſs, that he ſaw the richeſt city of Italy, that of Veii, was upon the point of falling into his hands with immenſe ſpoils. He now felt himſelf embarraſſed: if he divided the ſpoils with a ſparing hand among the ſoldiery, he would draw upon himſelf their indignation, and that of the plebeians in general; if he diſtributed them too generouſly, he ſhould offend the ſenate: for, with all the boaſted love of poverty of thoſe times, the ſenate and people, the patricians and plebeians, as bodies, were perpetually wrangling about ſpoils, booty, and conquered lands; which further ſhews, that the real moderation was confined to a very few individuals or families. Camillus, to ſpare himſelf reproach and envy, dictator as he was, wrote to the ſenate, "that by the "favour of the gods, his own exertions, and the "patience of the ſoldiers, Veii would ſoon be in "his hands, and therefore he deſired their direc-"tions what to do with the ſpoils." The ſenate were of two opinions: Licinius was for giving notice to all the citizens that they might go and ſhare in the plunder; Appius Claudius would have it all brought into the public treaſury, or appropriated to the payment of the ſoldiers, which would eaſe the people of taxes. Licinius replied, that if that money ſhould be brought to the treaſury, it would be the cauſe of eternal complaints, murmurs, and ſeditions. The latter advice prevailed, and the plunder was indiſcriminate, for the city of Veii, after a ten years ſiege, in which many commanders had been employed, was at laſt taken by Camillus by ſtratagem; and the opulence of it appeared ſo great, that the dictator was terrified at his own good fortune, and that of his country. He prayed the gods, if it muſt be qualified with any diſgrace, that it might fall upon him, not the commonwealth. This piety and patriotiſm, however,

however, did not always govern Camillus: his triumph betrayed an extravagance of vanity more than bordering on profaneneſs; he had the arrogance and preſumption to harneſs four white horſes in his chariot, a colour peculiar to Jupiter and the Sun, an ambition more than Roman, more than human. Here the people were very angry with Camillus for having too little reverence for religion: the next moment they were ſtill more incenſed againſt him for having too much, for he reminded them of the vow he had made to conſecrate a tenth part of the ſpoils to Apollo. The people, in ſhort, did not love Camillus; and the ſenate adored him becauſe he oppoſed the multitude on all occaſions, without any reſerve, and appeared the moſt ardent and active in reſiſting their caprices. It was eaſier to conquer enemies than to pleaſe citizens*. This mighty ariſtocratic grew ſo unpopular, that one of the tribunes, accuſed him before the people of applying part of the ſpoils of Veii to his own uſe; and finding, upon conſulting his friends, that he had no chance of acquittal, he went into voluntary baniſhment at Ardea: but he prayed to the gods to make his ungrateful country regret his abſence. He was tried in his abſence, and condemned in a fine.---Had Nedham's conſtitution exiſted at Rome, would Camillus have taken Veii, or been made dictator, or employed at all? Certainly not. Characters much more plauſible would have run him down, or have obliged him to imitate all their indulgences.

In all theſe examples of Cincinnatus, Curius, Fabius, and Camillus, &c. our author quotes examples of virtues which grew up only in a few ariſtocratical families, were cultivated by the

* Excellentibus ingeniis citius defuerit ars qua civem regant, quam qua hoſtem ſuperent. Liv. ii. 43.

emulation

emulation between the two orders in the ſtate, and by their ſtruggles to check and balance each other, to prove the excellence of a ſtate where there is but one order, no emulation, and no balance. This is like the conduct of a poet, who ſhould enumerate the cheerful rays and refulgent glories of the ſun in a deſcription of the beauties of midnight.

Whether ſucceſſion is, or is not, the grand preſervative againſt corruption, the United States of America have adopted this author's idea in this "Reaſon," ſo far as to make the governor and ſenate, as well as the houſe of repreſentatives, annually elective. They have therefore a clear claim to his congratulations. They are that happy nation: they ought to rejoice in the wiſdom and juſtice of their truſtees; for certain limits and bounds are fixed to the powers in being, by a declared ſucceſſion of the ſupreme authority annually in the hands of the people.

It is ſtill, however, problematical, whether this ſucceſſion will be the grand preſervative againſt corruption, or the grand inlet to it. The elections of governors and ſenators are ſo guarded, that there is room to hope; but, if we recollect the experience of paſt ages and other nations, there are grounds to fear. The experiment is made, and will have fair play. If corruption breaks in, a remedy muſt be provided; and what that remedy muſt be is well enough known to every man who thinks.

Our author's examples are taken from the Romans, after the abolition of monarchy, while the government was an ariſtocracy, in the hands of a ſenate, balanced only by the tribunes. It is *moſt* certainly true, that a ſtanding authority in the hands

hands of one, the few, or the many, has an impetuous propenſity to corruption; and it is to controul this tendency that three orders, equal and independent of each other, are contended for in the legiſlature. While power was in the hands of a ſenate, according to our author, the people were ever in danger of loſing their liberty. It would be nearer the truth to ſay, that the people had no liberty, or a very imperfect and uncertain liberty; none at all before the inſtitution of the tribunes, and but an imperfect ſhare afterwards; becauſe the tribunes were an unequal balance to the ſenate, and ſo on the other ſide were the conſuls. "Sometimes in danger from kingly aſpirers." But whoſe fault was that? The ſenate had a ſufficient abhorrence of ſuch conſpiracies: it was the people who encouraged the ambition of particular perſons to aſpire, and who became their partiſans. Melius would have been made a king by the people, if they had not been checked by the ſenate; and ſo would Manlius: to be convinced of this, it is neceſſary only to recollect the ſtory.—Spurius Melius, a rich citizen of the Equeſtrian order, in the year before Chriſt 437, and of Rome the 315th, a time of ſcarcity and famine, aſpired to the conſulſhip. He bought a large quantity of corn in Etruria, and diſtributed it among the people. Becoming by his liberality the darling of the populace, they attended his train wherever he went, and promiſed him the conſulſhip. Senſible, however, that the ſenators, with the whole Quintian family at their head, would oppoſe him, he muſt uſe force; and as ambition is inſatiable, and cannot be contented with what is attainable, he conceived that to obtain the ſovereignty would coſt him no more trouble than the conſulſhip. The election came on, and

and as he had not concerted all his meaſures, T. Quintius Capitolinus and Agrippa Menonius Lanatus were choſen by the influence of the ſenate. L. Minutius was continued præfectus annonæ, or ſuperintendent of proviſions: his office obliged him to do in public the ſame that Melius affected to do in private; ſo that the ſame kind of people frequented the houſes of both. From them he learned the tranſactions at Melius's, and informed the ſenate that arms were carried into his houſe, where he held aſſemblies, made harangues, and was taking meaſures to make himſelf king; and that the tribunes, corrupted by money, had divided among them the meaſures neceſſary to ſecure the ſucceſs of the enterprize. Quintius Capitolinus propoſed a dictator, and Quintius Cincinnatus (for the Quintian family were omnipotent) was appointed. The earneſt entreaties and warm remonſtrances of the whole ſenate prevailed on him to accept the truſt, after having long refuſed it, not from any reluctance to public ſervice, but on account of his great age, which made him believe himſelf incapable of it. Imploring the gods not to ſuffer his age to be a detriment to the public, he conſented to be nominated, and immediately appointed Ahala maſter of the horſe, appeared ſuddenly in the forum with his lictors, rods, and axes, aſcended the tribunal with all the enſigns of the ſovereign authority, and ſent his maſter of horſe to ſummon Melius before him. Melius endeavoured in his firſt ſurprize to eſcape: a lictor ſeized him. Melius complained that he was to be ſacrificed to the intrigues of the ſenate, for the good he had done the people. The people grew tumultuous: his partiſans encouraged each other, and took him by force from the lictor. Melius threw

himſelf into the crowd: Servius followed him, run him threw with his ſword, and returned, covered with his blood, to give an account to the dictator of what he had done. "You have done well," ſaid Cincinnatus; "continue to defend your country "with the ſame courage as you have now delivered "it—Macte virtute eſto liberata republica."

The people being in great commotion, the dictator calls an aſſembly, and pronounces Melius juſtly killed. With all our admiration for the moderation and modeſty, the ſimplicity and ſublimity of his character, it muſt be confeſſed that there is in the harangue of Cincinnatus more of the ariſtocratical jealouſy of kings and oligarchies, and even more of contempt to the people, than of a ſoul devoted to equal liberty, or poſſeſſed of underſtanding to comprehend it: it is the ſpeech of a ſimple ariſtocratic, poſſeſſed of a great ſoul. It was a city in which, ſuch was its ariſtocratical jealouſy of monarchy and oligarchy, Brutus had puniſhed his ſon; Collatinus Tarquinius, in mere hatred of his name, had been obliged to abdicate the conſulſhip and baniſh himſelf; Spurius Caſſius had been put to death for intending to be king; and the decemvirs had been puniſhed with confiſcation, exile, and death, for their oligarchy. In ſuch a city of ariſtocratics, Melius had conceived a hope of being a king. "Et quis homo?" ſays Cincinnatus; and who was Melius? "quanquam nullam "nobilitatem, nullos honores, nulla merita, cui-"quam ad dominationem pandere viam; ſed "tamen Claudios, Caſſios, conſulatibus, decem-"viratibus, ſuis majorumque honoribus ſplendore "familiarum ſuſtuliſſe animos, quo nefas fuerit*."

Melius

* "Who is this man? without nobility, without honours, "without merit, to open for him a way to the monarchy! "Claudius,

Melius, therefore, was not only a traitor but a monſter; his eſtate muſt be confiſcated, his houſe pulled down, and the ſpot called Æquimelium, as a monument of the crime and the puniſhment, (Liv. lib. iv. c. 13, 14, 15, 16.) and his corn diſtributed to the populace, *very cheap*, in order to appeaſe them. This whole ſtory is a demonſtration of the oppreſſion of the people under the ariſtocracy; of the extreme jealouſy of that ariſtocracy of kings, of an oligarchy, and of popular power; of the conſtant ſecret wiſhes of the people to ſet up a king to defend them againſt the nobles, and of their readineſs to fall in with the views of any rich man who flattered them, and ſet him up as a monarch: but it is a moſt unfortunate inſtance for Nedham. It was not the people who defended the republic againſt the deſign of Melius, but the ſenate, who defended it againſt both Melius and the people. Had Rome been then governed by "Marchamont Nedham's right Conſtitution of

"Claudius, indeed, and Caſſius, had their ſouls elevated to "ambition by their conſulſhips and decemvirates, by the "honours of their anceſtors, and the ſplendour of their families."—Is there an old maiden aunt Eleanor, of ſeventy years of age, in any family, whoſe brain is more replete with the haughty ideas of blood, than that of the magnanimous Cincinnatus appears in this ſpeech? Riches are held in vaſt contempt! The equeſtrian order is no honour nor nobility; that too is held in ſovereign diſdain! Beneficence and charity, in a moſt exalted degree, at a time when his brother ariſtocrats were griping the people to death by the moſt cruel ſeverities, and the moſt ſordid and avaricious uſury, was no merit in Melius; but conſulſhips, decemvirates, honours, and the ſplendour of family, has his moſt profound admiration and veneration! Every circumſtance of this appears in this ſpeech, and ſuch was the real character of the man: and whoever celebrates or commemorates Cincinnatus as a patron of liberty, either knows not his character, or underſtands not the nature of liberty.

"a Com-

"a Commonwealth," Melius would infallibly have been made a king, and have tranſmitted his crown to his heirs. The neceſſity of an independent ſenate, as a check upon the people, is moſt apparent in this inſtance. If the people had been unchecked, or if they had only had the right of chooſing an houſe of repreſentatives unchecked, they would in either caſe have crowned Melius.

At the critical moment, when the Gauls had approached the capital with ſuch ſilence as not to awaken the centinels, or even the dogs, M. Manlius, who had been conſul three years before, was awakened by the cry of the geeſe which, by the ſanctity of their conſecration to Juno, had eſcaped with their lives in an extreme ſcarcity of proviſions. He haſtened to the wall, and beat down one of the enemy who had already laid hold of the battlement, and whoſe fall from the precipice carried down ſeveral others who followed him. With ſtones and darts the Romans precipitated all the reſt to the bottom of the rock. Manlius the next day received in a public aſſembly his praiſes and rewards. Officers and ſoldiers, to teſtify their gratitude, gave him their rations for one day, both in corn and wine, half a pound of corn, and a quarter of a pint of wine. "Ingens "caritatis argumentum, cum ſe victu ſuo fraudans, "detractum corpori & uſibus neceſſariis ad hono-"rem unius viri conferre," ſays Livy; and in the year of Rome 365, the commonwealth gave to Manlius an houſe upon the capital, as a monument of his valour and his country's gratitude.

In the year of Rome 370, fifty-five years after the execution of Melius, and five years after the defence of the capital from the attack of Brennus, Manlius is ſuſpected of ambition. Thoſe who had hitherto excited, or been excited by the people

to

to faction, had been plebeians. Manlius was a patrician of one of the moſt illuſtrious families: he had been conſul, and acquired immortal glory by his military exploits, and by ſaving the capital: he was, in ſhort, the rival of Cammillus, who had obtained two ſignal victories over the Gauls, and from the new birth of the city had been always in office, either as dictator or military tribune; and even, when he was only tribune, his colleagues conſidered him as their ſuperior, and held it an honour to receive his orders as their chief. In ſhort, by his own reputation, the ſupport of the Quintian family, and the enthuſiaſtic attachment to him he had inſpired into the nation, he was, in fact, and effect, to all intents and purpoſes king in Rome, without the name, but under the various titles of conſul, dictator, or military tribune. "He treats," ſaid Manlius, "even thoſe created "with powers equal to his own, not as his col-"leagues, but officers and ſubſtitutes to execute "his orders." The ariſtocratical Livy, and all the other ariſtocrats of Rome, accuſe Manlius of envy. They ſay he could not bear ſuch glory in a man whom he believed no worthier than himſelf: he deſpiſed all the reſt of the nobility: the virtues, ſervices and honours of Camillus, alone excited his haughtineſs and ſelf-ſufficiency, and tortured his jealouſy and pride: he was enraged to ſee him always at the head of affairs, and commanding armies. It is certain that this practice of continuing Camillus always at the head was inconſiſtent with the ſpirit of the conſtitution, by which a rotation was eſtabliſhed, and the conſuls who had the command of armies could remain in office but one year. But this is the nature of an ariſtocratical aſſembly as well as of a democratical one: ſome eminent ſpirit, aſſiſted by three or four families

families connected with him, gains an aſcendency, and excites an enthuſiaſm, and then the ſpirit and letter too of the conſtitution is made to give way to him. In the caſe before us, when Camillus could not be conſul, he muſt be military tribune; and when he could not be military tribune, he muſt be dictator.

Manlius is charged with envy, and with vain ſpeeches. "Camillus could not have recovered "Rome from the Gauls if I had not ſaved the ca-"pital and citadel." This was literally true; but ariſtocratical hiſtorians muſt brand the character of Manlius in order to depreſs the people, and extol and adore that of Camillus in order to elevate the ſenate and the nobles. But there is no ſolid reaſon to believe that Manlius envied Camillus, more than Camillus and the Quintian family were both envious and jealous of Manlius. The houſe upon the capital was what the Quintian family could not bear.

The truth is, an ariſtocratical deſpotiſm then ruled in Rome, and oppreſſed the people to a cruel degree; and one is tempted to ſay, that Manlius was a better man than Camillus or Cincinnatus, though not ſo ſecret, deſigning, and profound a politician, let the torrent of ariſtocratical hiſtory and philoſophy roll as it will. There were two parties, one of the nobles, and another of the people: Manlius, from ſuperior humanity and equity, embraced the weaker; Camillus and the Quintii, from family pride like that of Lycurgus, domineered over the ſtronger party, of which they were in full poſſeſſion. Manlius threw himſelf into the ſcale of the people; he entered into cloſe intimacy and ſtrict union with the tribunes; he ſpoke contemptuouſly of the ſenate, and flattered the multitude. "Jam aurâ, non conſillio

"ferri,

" ferri, famæque magnæ malle quam bonæ eſſe," ſays the ariſtocrat Livy. But let us examine his actions, not receive implicitly the epithets of partial hiſtorians.—The Roman laws allowed exorbitant intereſt for the loan of money: an inſolvent debtor, by the decree of the judge, was put into the hands of his creditor as his ſlave, and might be ſcourged, pinched, or put to death, at diſcretion: the moſt execrable ariſtocratical law that ever exiſted among men; a law ſo diabolical, that an attempt to get rid of it at almoſt any rate was a virtue. The city had been burnt, and every man obliged to rebuild his houſe. Not only the pooreſt citizen, but perſons in middle life, had been obliged to contract debts. Manlius, ſeeing the rigour with which debts were exacted, felt more commiſeration than his peers for the people. Seeing a centurion, who had diſtinguiſhed himſelf by a great number of gallant actions in the field, adjudged as a ſlave to his creditor, his indignation as well as his compaſſion were aroufed; he inveighed againſt the pride of the patricians, cruelty of the uſurers, deplored the miſery of the people, and expatiated on the merit of his brave companion in war;—ſurely no public oration was ever better founded; he paid the centurion's debt, and ſet him at liberty, with much oſtentation to be ſure, and ſtrong expreſſions of vanity, but this was allowable by the cuſtom and manners of the age. The centurion too diſplayed his own merit and ſervices, as well as his gratitude to his deliverer. Manlius went further: he cauſed the principal part of his own patrimony to be ſold, " in order, Romans," ſaid he, " that I may not ſuffer any of you, whilſt I " have any thing left to be adjudged to your " creditors, and made ſlaves." This, no doubt, made

made him very popular: but, in the warmth of his democratical zeal, he had been tranſported upon ſome occaſion to ſay in his own houſe, that the ſenators had concealed, or appropriated to their own uſe, the gold intended for the ranſom of the city from the Gauls: alluding, probably, to the fact, for that gold had been depoſited under the pedeſtal of Jupiter's ſtatue. Manlius perhaps thought that this gold would be better employed to pay the debts of the people. The ſenate recalled the dictator, who repaired to the forum, attended by all the ſenators, aſcended his tribunal, and ordered his lictor to cite Manlius before him. Manlius advanced with the people: on one ſide was the ſenate with their clients, and Camillus at their head; and on the other the people, headed by Manlius; and each party ready for battle at the word of command. And ſuch a war will, ſooner or later, be kindled in every ſtate, where the two parties of poor and rich, patricians and plebeians, nobles and commons, ſenate and people, call them by what names you will, have not a third power in an independent executive, to intervene, moderate, and balance them. The artful dictator interrogated Manlius only on the ſtory of the gold. Manlius was embarraſſed, for the ſuperſtition of the people would have approved of the apparent piety of the ſenate in dedicating that treaſure to Jupiter, though it was probably only policy to hide it. He evaded the queſtion, and deſcanted on the artifice of the ſenate in making a war the pretext for creating a dictator, while their real deſign was to employ that terrible authority againſt him and the people. The dictator ordered him to priſon. The people were deeply affected; but the authority was thought to be legal, and the Romans had preſcribed bounds to themſelves, through

through which they dare not break. The authority of the dictator and ſenate held them in ſuch reſpect, that neither the tribunes nor the people ventured to raiſe their eyes or open their mouths. They put on mourning, however, and let their hair and beards grow, and ſurrounded the priſon with continual crowds, manifeſting every ſign of grief and affliction. They publicly ſaid, that the dictator's triumph was over the people, not the Volſci, and that all that was wanting was to have Manlius dragged before his chariot. Every thing diſcovered ſymptoms of an immediate revolt. Here comes in a trait of ariſtocratical cunning, ad cantandum vulgus, much more groſs than any that had been practiſed by Manlius. To ſoften the people, the ſenate became generous all at once, ordered a colony of two thouſand citizens to be ſent out, aſſigning each of them two acres and an half of land. Though this was a largeſs, it was confined to too ſmall a number, and was too moderate to take off all Manlius's friends. The artifice was perceived, and when the abdication of the dictatorſhip of Coſſus had removed the fears of the people and ſet their tongues at liberty, it had ſmall effect in appeaſing the people, who reproached one another with ingratitude to their defenders, for whom they expreſſed great zeal at firſt, but always abandoned in time of danger; witneſs Caſſius and Melius. The people paſſed whole nights round the priſon, and threatened to break down the gates. The ſenate ſet Manlius at liberty, to prevent the people from doing it. The next year, 371, diſſentions were renewed with more acrimony than ever. Manlius, whoſe ſpirit was not accuſtomed to humiliation, was exaſperated at his impriſonment, Coſſus having not dared to proceed with the

deciſion of Cincinnatus againſt Melius, and even the ſenate having been compelled to give way to the diſcontent of the people, was animated to attempt a reformation of the conſtitution. "How "long," ſaid he to the people, "will you be "ignorant of your own ſtrength, of which Nature "has not thought fit that beaſts themſelves ſhould "be ignorant? Count your number, and that of "your adverſaries; ſhew the war, and you will "have peace: let them ſee that you are prepared, "and they will immediately grant what you aſk; "determine to be bold in undertaking, or reſolve "to ſuffer the utmoſt injuries. How long will "you fix your eyes upon me? Muſt I repeat the "fate of Caſſius and Melius? I hope the gods "will avert ſuch a misfortune from me: but "thoſe gods will not deſcend from heaven to defend "me. You muſt remove the danger from me. "Shall your reſiſtance to the ſenate always end in "ſubmiſſion to the yoke? That diſpoſition is not "natural to you; it is the habit of ſuffering them "to ride you, which they have made their right "and inheritance. Why are you ſo courageous "againſt your enemies abroad, and ſo ſoft and "timorous in defence of your liberty at home? "Yet you have hitherto always obtained what "you demanded. It is now time to undertake "greater things. You will find leſs difficulty in "giving the ſenators a maſter, than it has coſt "you to defend yourſelves againſt them, while "they have had the power and the will to lord it "over you. *Dictators and conſuls muſt be aboliſhed "if you would have the people raiſe their heads.* "Unite with me; prevent debtors from the ri-"gours of thoſe odious laws. I declare myſelf "the patron and protector of the people: if you "are for exalting your chief by any more ſplen-

"did

" did title, or illuſtrious dignity, you will only " augment his power for your ſupport, and to " obtain your deſires.—Ego me patronum pro- " fiteor plebis: vos, ſi, quo inſigni magis imperii " honoriſve nomine veſtrum appellabitis ducem, " eo utemini potentiore ad obtinenda ea quæ " vultis." Liv. This is a manifeſt intention of introducing a balance of three branches.

In this oration are all the principles of the Engliſh conſtitution. The authority and power of the people to demoliſh one form of government and erect another, according to their own judgment or will, is clearly aſſerted. The neceſſity of aboliſhing the dictators and conſuls, and giving to one chief magiſtrate the power to controul the ſenate, and protect the people, is pointed out. The ſenate is not propoſed to be aboliſhed, nor the aſſemblies of the people, nor their tribunes; but the abolition of cruel debtors laws, and redreſs of all the people's grievances, is to be the conſequence. The ariſtocracy was at that time a cruel tyranny; the people felt it; Manlius acknowledged it: both ſaw the neceſſity of new modelling the conſtitution, and introducing the three branches of Romulus and Lycurgus, with better and clearer limitations; and both were deſirous of attempting it.

If, in reading hiſtory, the gloſſes and reflections of hiſtorians are taken implicitly, a miſtaken judgment will often be formed. Rome was an ariſtocracy, and Livy an ariſtocratical writer. The conſtitution of government, the principles, prejudices, and manners of the times, ſhould never be a moment out of ſight. If we believe the Romans, Manlius was actuated only by envy and ambition; but if we conſider his actions, and the form of government at the time, we ſhould be very apt to pronounce

pronounce him both a greater and a better man than Camillus. To ſpeak candidly, there was a rivalry between the Manlian and the Quintian families, and the ſtruggle was which ſhould be the firſt family, and who the firſt man: and ſuch a ſtruggle exiſts, not only in every empire, monarchy, republic, but in every city, town, and village, in the world. But a philoſopher might find as good reaſon to ſay that Manlius was ſacrificed to the envy, jealouſy, and ambition of Camillus and the Quintii, as that his popular endeavours for the plebeians ſprung from envy of Camillus, and ambition to be the firſt man. Both were heads of parties, and had all the paſſions incident to ſuch a ſituation: but if a judgment muſt be pronounced which was the beſt man and citizen, there are very ſtrong arguments in favour of Manlius. The name of king was abhorred by the Romans. But who and what had made it ſo? Brutus, and his brother ariſtocrats, at the expulſion of Tarquin, by appointing religious execrations to be pronounced in the name of the whole ſtate, and for all ſucceeding ages, againſt ſuch as ſhould dare to aſpire to the throne. In this way any word or any thing may be made unpopular, at any time and in any nation. The ſenate were now able to ſet up the popular cry, that Manlius aſpired to the throne; this revived all the religious horror which their eſtabliſhed execrations had made an habitual part of their natures, and turned an ignorant ſuperſtitious populace againſt the beſt friend, and the only friend they had in the republic. The ſenate firſt talked of aſſaſſination and another Ahala; but, to be very gentle, they ordered "the magiſtrates to take "care that the commonwealth ſuſtained no preju-"dice from the pernicious deſigns of Manlius."

This

This was worſe than private aſſaſſination; it was an aſſaſſination by the ſenate; it was judgment, ſentence, and execution, without trial. The timid ſtaring people were intimidated, and even the tribunes caught the panic, and offered to take the odium off the ſenate, and cite Manlius before the tribunal of the people themſelves, and accuſe him in form. It is impoſſible not to ſuſpect, nay fully to believe, that theſe tribunes were bribed ſecretly by the ſenators. They not only abandoned him with whom they had co-operated, but they betrayed the people, their conſtituents, in the moſt infamous manner. They ſaid, that in the preſent diſpoſition Manlius could not be openly attacked without intereſting the people in his defence; that violent meaſures would excite a civil war; that it was neceſſary to ſeparate the intereſts of Manlius from thoſe of the people; they themſelves would cite him before the tribunal of the people, and accuſe him in form. Nothing ſaid the tribunes, is leſs agreeable to the people than a king: as ſoon as the multitude ſees that your aim is not againſt them; that from protectors they are become judges; that their tribunes are the accuſers, and that *a patrician is accuſed* for having aſpired at the tyranny, no intereſt will be ſo dear to them as that of their liberty. Their liberty! The liberty of plebeians at that time! What a proſtitution of ſacred terms! Yet, groſs as was this artifice, it laid faſt hold of thoſe blind prejudices which patricians and ariſtocrats had inſpired, and duped effectually a ſtupid populace. Manlius was cited by the tribunes before the people: in a mourning habit he appeared, without a ſingle ſenator, relation, or friend, or even his own brothers, to expreſs concern for his fate: and no wonder; a ſenator, and a perſon of conſular dignity,

dignity, was never known to have been ſo univerſally abandoned. But nothing can be more falſe than the reflections of hiſtorians upon this occaſion: So much did the love of liberty, and the "fear of being enſlaved, prevail in the hearts of "the Romans over all the ties of blood and "nature!" It was not love of liberty, but abſolute fear which ſeized the people. The ſenate had already condemned him by their vote, and given their conſuls dictatorial power againſt Manlius and his friends: the tribunes themſelves were corrupted with bribes or fear; and no man dared expoſe himſelf to ariſtocratical vengeance, unprotected by the tribunes. To prove that it was fear, and not patriotiſm, that reſtrained his relations and friends, we need only recollect another inſtance. When Appius Claudius, the decemvir, was impriſoned for treaſon, much more clear than that of Manlius, and for conduct as wicked, brutal, and cruel, as Manlius's appears virtuous, generous, and humane, the whole Claudian family, even C. Claudius, his profeſſed enemy, appeared as ſuppliants before the judges, imploring mercy for their relation. His friends were not afraid. Why? Becauſe Claudius was an enemy and hater of the people, and therefore popular with moſt of the partricians. His crimes were ariſtocratical crimes, therefore not only almoſt venial, but almoſt virtues. Manlius's offence was love of the people; and democratical miſdemeanors are the moſt unpardonable of all that can be committed or conceived in a government where the dæmon of ariſtocracy domineers. Livy himſelf betrays a conſciouſneſs of the inſufficiency of the evidence to prove Manlius's guilt: he ſays he can diſcover no proof, nor any other charge of any crime of treaſon, "regni crimen," except

ſome

ſome aſſemblies of people, ſeditious ſpeeches, generoſity to debtors, and the falſe inſinuation of the concealment of the gold. But here we ſee what the people are when they meet in one aſſembly with the ſenators: they dare not vote againſt the opinion or will of the nobles and patricians. The ariſtocratical part of mankind ever did, and ever will, overawe the people and carry what votes they pleaſe in general, when they meet together with the democratical part, either in a collective or repreſentative aſſembly. Thus it happened here: ſuperſtition decided. While in ſight of the capital, their religious reverence for the abode of Jupiter, ſaved and inhabited by Manlius, was a counterbalance to their fears and veneration for the ſenators deſcended from the gods. The people could not condemn him in ſight of the capital. The tribunes knowing what was in them, adjourned to another place the next day. The capital out of ſight, and the ſenators preſent, condemned their deliverer, and he died a ſacrifice to the rancorous envy of his peers in the ſenate, the conſulate, and patrician order, who could not bear the ſight of ſo ſplendid a diſtinction and elevation above themſelves, in any one of their order, as Manlius's houſe upon the capital, and his title of Capitolinus. "Homines prope "quadringentos produxiſſe dicitur, quibus ſine fœ-"nore expenſas pecunias tuliſſet, quorum bona ve-"nire, quos duci, addictos prohibuiſſet. Ad hæc, "decora quoque belli non commemoraſſe tantùm, "ſed protuliſſe etiam conſpicienda; ſpolia hoſtium "cæſorum ad triginta, dona imperatorum ad qua-"draginta, in quibus inſiges duas murales coronas, "civicas octo. Ad hæc ſervatos ex hoſtibus cives "produxiſſe, inter quos, C. Servillium magiſtrum "equitum, abſentem nominatum; et, quum ea

"quoque

" quoque quæ bello geſta eſſent, pro faſtigio re-
" rum, oratione etiam magnificâ facta dictis æquan-
" do, memoraſſet, nudaſſe pectus inſigne cicatrici-
" bus bello acceptis; et indentidem capitolium
" ſpectans Jovem, deoſpue alios devocaſſe ad auxi-
" lium fortunarum ſuarum: precatuſque eſſe, ut,
" quam mentem ſibi Capitolinam arcem protegenti
" ad ſalutem populi Romani dediſſent, eam po-
" pulo Romano in ſuo diſcrimine darent: et oraſſe
" ſingulos univerſoſque, ut capitolium atque ar-
" cem intuentes, ut ad deos immortales verſi, de
" ſe judicarent."

By removing the aſſembly from the Campus Martius, where the people were aſſembled in centuries (centuriatim), to the Grove (Petelinum Lucum), from whence the capital could not be ſeen, obſtinatis animis triſte judicium, with gloomy obſtinacy the fatal ſentence was paſſed, and the tribunes caſt him down from the Tarpeian rock. " Such was the cataſtrophe," ſays Livy, " of a man who, if he had not lived in a free city, " would have merited fame." He ſhould have ſaid, if he had not lived in a ſimple ariſtocracy, and alarmed the envy of his fellow ariſtocrats by ſuperior merit, ſervices, and rewards, eſpecially that moſt conſpicuous mark, his houſe upon the capital, and his new title, or agnomen, Capitolinus, which mortal envy could not bear.

He was no ſooner dead than the people repented and regretted him; a ſudden plague that broke out was conſidered as a judgment from Heaven upon the nation for having polluted the capital with the blood of its deliverer.

The hiſtory of Manlius is an unanſwerable argument againſt a ſimple ariſtocracy; it is a proof that no man's liberty or life is ſafe in ſuch a government: the more virtue and merit he has, the more

more in danger, the more certain his deſtruction. It is a good argument againſt a ſtanding ſovereign and ſupreme authority in an hereditary ariſtocracy; ſo far Nedham quotes it pertinently, and applies it juſtly: but when the ſame example is cited to prove that the people in one ſupreme aſſembly, ſucceſſively choſen, are the beſt keepers of their liberty, ſo far from proving the propoſition, it proves the contrary, becauſe that Camillus the Quintii, and Manlius, will all be choſen into that one aſſembly by the people; the ſame emulation and rivalry, the ſame jealouſy and envy, the ſame ſtruggles of families and individuals for the firſt place, will ariſe between them. One of them will have the rich and great for his followers, another the poor; hence will ariſe two, or three, or more parties, which will never ceaſe to ſtruggle till war and bloodſhed decides which is the ſtrongeſt. Whilſt the ſtruggle continues, the laws are trampled on, and the rights of the citizens invaded by all parties in turn; and when it is decided, the leader of the victorious army is emperor and deſpot.

Nedham had forgotten the example of Caſſius, which would have been equally appoſite to prove a ſimple ariſtocracy a bad government, and equally improper to prove that the people in their ſupreme aſſemblies, ſucceſſively choſen, are the beſt keepers of their liberty. It is alſo equally proper to prove the contrary, and to ſhew that ſuch a ſimple democracy is as dangerous as a ſimple ariſtocracy. Theſe examples all ſhow that the natural principles of the Engliſh conſtitution were conſtantly at work among the Roman people: that nature herſelf was conſtantly calling out for two maſters to controul the ſenate, one in a

king or ſingle perſon poſſeſſed of the executive power, and the other in an equal repreſentation of the people poſſeſſed of a negative on all the laws, and eſpecially on the diſpoſal of the public money. As theſe examples are great illuſtrations of our argument, and illuſtrious proofs of the ſuperior excellence of the American conſtitutions, we will examine the ſtory of Caſſius before we come to that of the decemvirs.

The firſt notice that is taken of Caſſius is in the year 252, when he was conſul, gained conſiderable advantage over the Sabines, and received the honour of a triumph. In 256 he was choſen by Lartius the firſt dictator, general of the horſe, and commanded a diviſion of the army with ſucceſs againſt the Latines. In the year 261, when diſputes ran ſo high between patricians and plebeians, that no candidate appeared for the conſulſhip, and ſerveral refuſed, the veſſel was in ſuch a ſtorm that nobody would accept the helm. The people who remained in the city at laſt nominated Poſthumius Cominius, A. R. 261, and Spurius Caſſius, who were believed equally agreeable to plebeians and patricians. The firſt thing they did was to propoſe the affair of the debts to the ſenate, : a violent oppoſition enſued, headed by Appius, who conſtantly inſiſted that all the favour ſhewn the populace only made them the more inſolent, and that nothing but inflexible ſeverity could reduce them to their duty. The younger ſenators all blindly adopted this opinion: nothing paſſed, in ſeveral tumultuous aſſemblies, but altercations and mutual reproaches. The ancient ſenators were all inclined to peace. Agrippa, who had obſerved a ſagacious medium, neither flattering the pride of the great, nor favouring the licence of the people, being one of the new

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ſenators whom Brutus had choſen after the expulſion of Tarquin, ſupported the opinion that the good of the ſtate required the re-eſtabliſhment of concord among the citizens. Sent by the ſenate on a committee to treat with the people retired to the ſacred mountain, he ſpoke his celebrated fable of the Belly and the Members. The people at this conference, which was in 261, inſiſted, that as, by the creation of dictators with unlimited authority, the law which admitted appeals to the people from the decrees of any magiſtrate whatever, was eluded, and in a manner made void, tribunes ſhould be created, a new ſpecies of magiſtrates, whoſe ſole duty ſhould be the conſervation of their rights. The affair of Coriolanus happened in this interval, between the firſt conſulate of Sp. Caſſius in 261, and the ſecond in 268; in which, probably, he had acted in favour of the people in eſtabliſhing the tribunate, and in defending them againſt Coriolanus, Appius Claudius, and the other oligarchic ſenators. This year, 268, he marched againſt the Volſci and Hernici, who made peace, and the conſul obtained the honour of a triumph.

Caſſius, after his triumph, repreſented to the ſenate, that "the people merited ſome reward for "the ſervices they had rendered the common-"wealth, for defending the public liberty, and "ſubjecting new countries to the Roman power: "that the lands acquired by their arms belonged "to the public, though ſome patricians had ap-"propriated them to themſelves: that an equita-"ble diſtribution of theſe lands would enable the "poor plebeians to bring up children for the "benefit of the commonwealth; and that ſuch a "diviſion alone could eſtabliſh that equality which "ought to ſubſiſt between the citizens of the

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"ſame ſtate." He aſſociated in this privilege the Latines ſettled at Rome, who had obtained the freedom of the city.—Tum primum lex Agraria promulgata eſt. Liv. l. ii. 41. This law, which had at leaſt a great appearance of equity, would have relieved the miſery of the people, and no doubt rendered Caſſius popular. The Romans never granted peace to their enemies until they had taken ſome of their territory from them. Part of ſuch conqueſts were ſold to defray the expence of the war: another portion was diſtributed among the poor plebeians. Some cantons were farmed out for the public: rapacious patricians, ſolely intent upon enriching themſelves, took poſſeſſion of ſome; and theſe lands, unjuſtly uſurped by the rich, Caſſius was for having diſtributed anew in favour of the plebeians.

The ariſtocratical pride, avarice, and ambition, were all incenſed, and the ſenators greatly alarmed. The people diſcovered ſymptoms that they begun to think themſelves of the ſame ſpecies with their rulers, and one patrician of conſular dignity dared to encourage them in ſuch preſumptuous and aſpiring thoughts.

Some device or other muſt be invented to dupe the people, and ruin their leader: Verginus the conſul ſoon hit upon an expedient. Rabuleius the tribune aſked him in aſſembly, what he thought of this law? He anſwered, he would willingly conſent that the lands ſhould be diſtributed among the Roman people, provided the Latines had no ſhare; divide et impera. This diſtinction, without the leaſt appearance of equity, was addreſſed ſimply to the popular hatred between the Romans and Latines, and the bait was greedily ſwallowed. The people were highly pleaſed with the conſul, and began to deſpiſe Caſſius, and to

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ſuſpect him of ambition to be king. He continued his friendly intentions towards the people, and propoſed in ſenate to reimburſe, as it was but juſt, out of the public treaſury, the money which the poorer citizens had paid for the corn of which Gelo, king of Syracuſe, had made the commonwealth a preſent during the ſcarcity. But even this was now repreſented by the ſenate, and ſuſpected by the people, to be only ſoliciting popular favour; and although the people felt every hour the neceſſity of a king to protect them againſt the tyranny of the ſenate, yet they had been gulled by patrician artifice into an oath againſt kings, and although they felt the want of ſuch a magiſtrate, they had not ſenſe enough to ſee it. The Agrarian law was oppoſed in ſenate by Appius and Sempronius, and evaded by the apppointment of ten commiſſioners to ſurvey the lands.

The next year Caſſius was cited before the people, and accuſed by the quæſtors of having taken ſecret meaſures for opening a way to the ſovereignty; of having provided arms, and received money from the Latines and Hernici; and of having made a very great party among the moſt robuſt of their youth, who were continually ſeen in his train.

The people heard the quæſtors, but gave no attention to Caſſius's anſwer and defence. No conſideration for his children, his relations, and friends, who appeared in great numbers to ſupport him; no remembrance of his great actions, by which he had raiſed himſelf to the firſt dignities; nor three conſulſhips and two triumphs, which had rendered him very illuſtrious, could delay his condemnation; ſo unpardonable a crime with the Romans was the ſlighteſt ſuſpicion of aſpiring at regal power!

power! ſo ignorant ſo unjuſt, ſo ungrateful, and ſo ſtupid were that very body of plebeians, who were continually ſuffering the cruel tyranny of patricians, and continually ſoliciting protectors againſt it! Without regarding any moderation or proportion, the blind tools of the hatred and vengeance of their enemies, they condemned Caſſius to die, and the quæſtors inſtantly carried him to the Tarpeian rock, which fronted the forum, and threw him down, in the preſence of the whole people. His houſe was demoliſhed, and his eſtate ſold, to purchaſe a ſtatue to Ceres; and the faction of the great grew more powerful and haughty, and roſe in their contempt for the plebeians, who loſt courage in proportion, and ſoon reproached themſelves with injuſtice, as well as imprudence, in the condemnation of the zealous defender of their intereſts. They found themſelves cheated in all things. The conſuls neither executed the ſenate's decree for diſtributing the lands, nor were the ten commiſſioners elected. They complained, with great truth, that the ſenate did not act with ſincerity; and accuſed the tribunes of the laſt year of betraying their intereſts. The tribunes of this year warmly demanded the execution of the decree; to elude which a new war was invented. The patricians preſerved their ariſtocratical tyranny for many centuries, by keeping up continually ſome quarrel with foreigners, and by frequently creating dictators. The patricians, in the aſſemblies by centuries, had an immenſe advantage over the plebeians. The conſuls were here choſen by the patricians, as Caſſius and Manlius were murdered by aſſemblies in centuries. In 270 Cæſo Fabius, one of Caſſius's accuſers, was choſen conſul, though very unpopular. In 271 the other of Caſſius's accuſers was choſen conſul.

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In theſe conteſts the ſteadineſs of the patricians is as remarkable as the inconſtancy of the plebeians; the ſagacity of the former as obvious as the ſtupidity of the latter; and the cruelty of the former as conſpicuous as the ingratitude of the latter. Prejudice, paſſion, and ſuperſtition, appear to have altogether governed the plebeians, without the leaſt appearance of their being rational creatures, or moral agents; ſuch was their total ignorance of arts and letters, all the little advantages of education which then exiſted being monopolized by the patricians. The ariſtocracy appears in preciſely the ſame character in all theſe anecdotes, as we before ſaw it in Venice, Poland, Bern, and elſewhere. The ſame indiſpenſable neceſſity appears in all of them, in order to preſerve even the appearance of equity and liberty, to give the patricians a maſter in the firſt executive magiſtrate, and another maſter in a houſe of commons:—I ſay, maſter; for each of the three branches muſt be, in its turn, both maſter and ſervant, governing and being governed by turns.

To underſtand how the people were duped upon theſe occaſions, and particularly how Manlius was condemned to death, we muſt recollect that the tribunes cited him before the people, not in their curiæ, but centuries. The centuries were formed on an artful idea, to make power accompany wealth. The people were divided into claſſes, according to the proportion of their fortunes: each claſs was divided into centuries; but the number of centuries in the different claſſes was ſo unequal, that thoſe of the firſt, or richeſt claſs, made a majority of the whole, and when the centuries of this claſs were unanimous they decided the queſtion. By this inſtitution the rich were maſters of the legiſlature.

State

State of the Claſſes and Centuries.

Claſs.	Roman Valuation.		Sterling. £.	s.	No. of Centuries.
1 —	100,000	=	322	18	— 98
2 —	75,000	=	242	3	— 21
3 —	50,000	=	161	9	— 21
4 —	25,000	=	80	14	— 21
5 —	11,000	=	35	10	— 31
6 —	—		—		— 1
					Total 193 from
					98 ſub.
					95
					Majority of the firſt claſs 3

So that by citing Manlius before the people by centuries, the ſenate were ſure of a vote for his deſtruction, and the people had not ſenſe to ſee it, or ſpirit to alter it.

Nedham thus far appears to reaſon fairly and concluſively, when he adduces the examples of Melius and Manlius, and he might have added Caſſius, to prove that the people are ever in danger of loſing their liberty, and indeed he might have advanced that they never have any liberty, while they are governed by one ſenate. But theſe examples do not prove what he alledges them to prove, viz. that the people, in their ſupreme aſſemblies, ſucceſſively choſen, are the beſt keepers of their liberty; becauſe ſuch an aſſembly is ſubject to every danger of a ſtanding hereditary ſenate; and more the firſt vote divides it into two parties, and the majority is omnipotent, and the minority defenceleſs. He ſhould have adduced theſe

theſe examples to prove the neceſſity of ſeparating the executive, legiſlative, and judicial, and of dividing the legiſlature into three branches, making the executive one of them, and independent of the other two. This is the only ſcientific government; the only plan which takes into conſideration all the principles in nature, and provides for all caſes that occur. He is equally right, and equally wrong, in the application of his other examples. "The people," ſays he, "were ſometimes in danger of a ſurpriſe by a grandee cabinet or junto, as that upſtart tyranny of the decemviri, where ten men made a ſhift to enſlave the ſenate as well as the people." It is no wonder that Caſſius, Melius, and Manlius, were ſacrificed to the paſſions of the ſenate, for until the year of Rome 300, the Romans had no certain laws; ſo that the conſuls and ſenators, acting as judges, were abſolute arbiters of the fate of the citizens. Terentillus, a tribune, had propoſed an ordinance that laws ſhould be inſtituted, as rules of right, both in public and private affairs. The ſenate had eluded and poſtponed, by various artifices, the law of Terentillus until this year, 300, when the tribunes ſolicited the execution of it with great ſpirit; and the ſenate, weary of contention, or apprehenſive of greater danger, at length decreed, "That ambaſſadors ſhould be ſent to Athens, and to the Greek cities in Italy, to collect ſuch laws as they ſhould find moſt conformable to the conſtitution of the Roman commonwealth; and that at their return the conſuls ſhould deliberate with the ſenate upon the choice of legiſlators, of the power to be confided to them, and the time they were to continue in office." Sp. Poſthumius, Servius Sulpicius, and A. Manlius, three perſons of conſular dignity, were appointed

deputies. Three gallies were prepared by the public, of a magnificence that might do honour to the Roman people.

In the year 302 the ambaſſadors were returned, and Appius Claudius, whoſe anceſtors had always been haughty ariſtocratics, was choſen conſul, with T. Gentius for his colleague. The ſenate aſſembled, and reſolved that decemviri ſhould be elected out of the principal ſenators, whoſe authority ſhould continue a year; that they ſhould govern the commonwealth with all the power which the conſuls then had, and as the kings had formerly exerciſed, and without any appeal from their judgments; that all other magiſtracies, and even the tribunalſhip, ſhould be aboliſhed. This decree was received by the people with loud acclamations. An aſſembly, by centuries, was immediately held, and the new magiſtrates created, and the old ones all abdicated their offices. Thus the conſtitution was wholly changed, and all authority transferred to one centre, the decemvirs. It was ſoon exerciſed like all other authorities in one centre. We ſee here the effect of two powers, without a third. The people from hatred to the conſuls, and the ſenate from hatred to the tribunes, unite at once in a total abolition of the conſtitution.

The conſtitution of the decemvirs was preciſely Nedham's idea; it was annually eligible; it was the people's government in their ſucceſſive aſſemblies: but we find that an annual power, without any limits, was a great temptation. The decemvirs were all ſenators of conſular dignity, and therefore, in the opinion of the people themſelves, the moſt eminent for talents and virtues; yet their virtues were not ſufficient to ſecure an honeſt uſe of their unbounded power. They took many precautions

precautions to preſerve their own moderation, as well as to avoid exciting jealouſy in their fellow-citizens: only one had the rods and axes, the others had nothing to diſtinguiſh them but a ſingle officer, called Accenſus, who walked before each of them. Their preſident continued only one day; and they ſucceeded each other daily, till the end of the year.—It is much to our purpoſe to enlarge upon this example; becauſe, inſtead of being an argument for Nedham's inconcinnate ſyſtem, it is full proof againſt it. The courſe of paſſions and events, in this caſe, were preciſely the ſame as will take place in every ſimple government of the people, by a ſucceſſion of their repreſentatives, in a ſingle aſſembly: and whether that aſſembly conſiſts of ten members, or five hundred, it will make no difference. In the morning, the decemviri all went to their tribunal, where they took cognizance of all cauſes and affairs, public and private; juſtice was adminiſtered with all poſſible equity; and every body departed with perfect ſatisfaction. Nothing could be ſo charming as the regard they profeſſed for the intereſts of the people, and the protection which the meaneſt found againſt the oppreſſion of the great. It was now generally affirmed, that there was no occaſion for tribunes, conſuls, prætors, or any other magiſtrates. The wiſdom, equity, moderation, and humanity of the new government, was admired and extolled. What peace, what tranquillity, what happineſs were enjoyed by the public, and by individuals! what a conſolation! what glory to the decemvirs! Appius Claudius, eſpecially, engroſſed the whole glory of the adminiſtration in the minds of the people. He acquired ſo decided an aſcendency over his colleagues, and ſo irreſiſtible an influence with the people, that the whole

whole authority ſeemed centred in him. He had the art to diſtinguiſh himſelf, peculiarly, in whatever he tranſacted, in concert with his colleagues. His mildneſs and affability, his kind condeſcenſion to the meaneſt and weakeſt of the citizens, and his polite attention in ſaluting them all by their names, gained him all hearts. Let it be remembered, he had, till this year, been the open enemy of the plebeians. As his temper was naturally violent and cruel, his hatred to the people had ariſen to ferocity. On a ſudden he was become another man; humane, popular, obliging, wholly devoted to pleaſe the multitude, and acquire their affections. Every body delighted in the government of the decemvirs, and a perfect union prevailed among themſelves. They completed their body of laws, and cauſed it to be engraved on ten tables: they were ratified by the ſenate, confirmed by the people in the comitia centuriata, engraven on pillars of braſs, and placed in the forum. The year was upon the point of expiring; and as the conſuls and ſenators found themſelves delivered by the new government from the perſecutions of the tribunes, and the people from what they equally hated, the authority of the conſuls, both parties agreed in the propriety of chooſing ten ſucceſſors. It was pretended, that ſome further laws might be ſtill wanting; that a year was too ſhort to complete ſo great a work; and that to carry the whole into full effect, the independent authority of the ſame magiſtracy would be neceſſary. That which muſt happen upon all annual elections of ſuch a government in one centre, happened in this caſe. The city was in a greater and more univerſal ferment than had ever been known. Senators, the moſt diſtinguiſhed by age and merit, demanded the office: no doubt to prevent factious

factious and turbulent ſpirits from obtaining it. Appius, who ſecretly intended to have himſelf continued, ſeeing thoſe great perſons, who had paſſed through all dignities, ſo eager in purſuit of this, was alarmed. The people, charmed with his paſt conduct while decemvir, openly clamoured to continue him in preference to all others. He affected at firſt a reluctance, and even a repugnance, at the thought of accepting a ſecond time an employment ſo laborious, and ſo capable of exciting jealouſy and envy againſt him. To get rid of his colleagues, and to ſtimulate them to refuſe the office, he declared upon all occaſions, that as they had diſcharged their duty with fidelity, by their aſſiduity and anxious care for a whole year, it was but juſt to allow them repoſe, and appoint them ſucceſſors. The more averſion he diſcovered, the more he was ſolicited. The deſires and wiſhes of the whole city, the unanimous and earneſt ſolicitations of the multitude, were at length with pain and reluctance, complied with. He exceeded all his competitors in artifice: he embraced one, took another by the hand, and walked publicly in the forum, in company with the Duillii and Icillii, the two families who were the principals of the people, and the pillars of the tribunate. His colleagues, who had been hitherto his dupes, knowing theſe popular condeſcenſions to be contrary to his character, which was naturally arrogant, began to open their eyes: but not daring to oppoſe him openly, they oppoſed their own addreſs to his management. As he was the youngeſt among them, they choſe him preſident, whoſe office it was to nominate the candidates to offices, relying upon his modeſty not to name himſelf; a thing without example, except among the tribunes. But modeſty and decency were found in him but feeble barriers

barriers againſt ambition: he not only cauſed himſelf to be elected, but excluded all his colleagues of the laſt year, and filled up the nine other places with his own tools, three of whom were plebeians. The ſenate, and whole patrician body, were aſtoniſhed at this, as it was thought by them contrary to his own glory, and that of his anceſtors, as well as to his haughty character. This popular trait entirely gained him the multitude. It would be tedious to relate the manner in which they continued their power from year to year, with the moſt hardened impudence on their part, the moſt ſilly acquieſcence of the people, and the fears of the ſenate and patricians. Their tyranny and cruelty became at length intolerable; and the blood of Virginia, on a father's dagger, was alone ſufficient to arouſe a ſtupid people from their lethargy.

Is it not abſurd in Nedham to adduce this example, in ſupport of his government of the people by their ſucceſſive repreſentatives annually choſen? Were not the decemvirs the people's repreſentatives? and were not their elections annual? and would not the ſame conſequences have happened, if the number had been one hundred, or five hundred, or a thouſand inſtead of ten?—"O, but the people of Rome ſhould not have continued them in power from year to year."—How will you hinder the people from continuing them in power? If the people have the choice, they may continue the ſame men; and we certainly know they will: no bonds can reſtrain them. Without the liberty of choice, the deputies would not be the people's repreſentatives. If the people make a law, that the ſame man ſhall never ſerve two years, the people can and will repeal that law; if the people impoſe upon themſelves an oath, they will ſoon

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ſay and believe they can diſpenſe with that oath: in ſhort, the people will have the men whom they love beſt for the moment, and the men whom they love beſt will make any law to gratify their preſent humour. Nay more, the people ought to be repreſented by the men who have their hearts and confidence, for theſe alone can ever know their wants and deſires: but theſe men ought to have ſome check to reſtrain them, and the people too, when thoſe deſires are for forbidden fruit—for injuſtice, cruelty, and the ruin of the minority:—and that the deſires of the majority of the people are often for injuſtice and inhumanity againſt the minority, is demonſtrated by every page of the hiſtory of the whole world.

We come next to the examples of continuing power in particular perſons. The Romans were ſwallowed up, by continuing power too long in the hands of the triumvirates of emperors, or generals. The firſt of theſe were Cæſar, Pompey, and Craſſus. But who continued the power of Cæſar? If the people continued it, the argument ariſing from the example is againſt a ſimple government of the people, or by their ſucceſſive repreſentative aſſemblies. Was it the ſenate, was it the ſtanding permanent power in the conſtitution, that conferred this continuance of power on Cæſar? By no means. It is again neceſſary to recollect the ſtory, that we may not be impoſed on. No military ſtation exiſted in Italy, leſt ſome general might overaw the republic. Italy, however, was underſtood to extend only from Tarentum to the Arnus and the Rubicon. Ciſalpine Gaul was not reputed in Italy, and might be held by a military officer and an army. Cæſar, from a deliberate and ſagacious ambition, procured from the people an unprecedented prolongation of his appointments for five years; but the diſtribu-

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tion of the provinces was ſtill the prerogative of the ſenate, by the Sempronian law. Cæſar had ever been at variance with a majority of the ſenate. In the office of prætor he had been ſuſpended by them: in his preſent office of conſul, he had ſet them at open defiance. He had no hopes of obtaining from them the prolongation of his power, and the command of a province. He knew that the very propoſal of giving him the command of Ciſalpine Gaul for a number of years would have ſhocked them. In order to carry his point, he muſt ſet aſide the authority of the ſenate, and deſtroy the only check, the only appearance of a balance, remaining in the conſtitution. A tool of his, the tribune Vatinius, moved *the people* to ſet aſide the law of Sempronius, and by their own unlimited power name Cæſar as proconſul of Ciſalpine Gaul and Illyricum for five years, with an army of ſeveral legions. The ſenate were alarmed, and in vain oppoſed. The people voted it. The ſenate ſaw that all was loſt, and Cato cried, "You have placed a king, with his guards, in your citadel." Cæſar boaſted, that he had prevailed both in obtaining the conſulate and the command, not by the conceſſion of the ſenate, but in direct oppoſition to their will. He was well aware of their malice, he ſaid, Though he had a conſummate command of his temper, and the profoundeſt diſſimulation, while in purſuit of his point, his exuberant vanity braved the world when he had carried it. He now openly inſulted the ſenate, and no longer concealed his connection with Pompey and Craſſus, whom he had over-reached to concur in his appointment. Thus, one of the cleareſt and ſtrongeſt examples in hiſtory, to ſhew the neceſſity of a balance between an independent ſenate and an independent people,

people, is adduced by Nedham in favour of his indigeſted plan, which has no balance at all. The other example of Auguſtus, Antony, and Lepidus, is not worth conſidering particularly; for the trial between them was but a ſtruggle of arms, by military policy alone without any mixture of civil or political debates or negotiations.

The fourth reaſon is, "becauſe a ſucceſſion of "ſupreme powers deſtroys faction:" which is defined to be an adherence to an intereſt deſtinct from the true intereſt of the ſtate.

In this particular one may venture to differ altogether from our author, and deny the fact, that a ſucceſſion of ſovereign authority in one aſſembly, by popular elections, deſtroys faction. We may affirm the contrary, that a ſtanding authority in an abſolute monarch, or an hereditary ariſtocracy, are leſs friendly to the monſter than a ſimple popular government; and that it is only in a mixed government of three independent orders, of the one, the few, and the many, and three ſeparate powers, the legiſlative, exccutive, and judicial, that all ſorts of factions, thoſe of poor and the rich, thoſe of the gentlemen and common people, thoſe of the one, the few, and the many, can, at all times, be quelled. The reaſon given by our author is enough to prove this: "Thoſe who are factious, muſt have time to "improve their ſleights and projects, in diſguiſing "their deſigns, drawing in inſtruments, and "worming out their oppoſites." In order to judge of this, let us put two ſuppoſitions: 1. Either the ſucceſſion muſt be by periodical elections, ſimply; or, 2. by periodical elections in rotation: and, in either caſe the means and opportunities of improving addreſs and ſyſtems, concealing or feigning deſigns, making friends and eſcaping

enemies; are greater in a ſucceſſion of popular elections than in a ſtanding ariſtocracy or ſimple monarchy, and infinitely greater than in a mixed government. When the monſter Faction is watched and guarded by Cerberus with his three heads, and a ſop is thrown to him to corrupt or appeaſe him, one mouth alone will devour it, and the other two will give the alarm.—But to return to our firſt caſe, a ſucceſſion in one aſſembly, by ſimple annual elections. Elections are the beſt poſſible ſchools of political art and addreſs. One may appeal to any man who has equal experience in elections and in courts, whether addreſs and art, and even real political knowledge, is not to be acquired more eaſily, and in a ſhorter time, in the former than in the latter. A king of France once aſked his moſt able and honeſt ambaſſador d'Oſſat, where he had learned that wonderful dexterity, with which he penetrated into the boſoms of men of all nations and characters, unravelled every plait in the human ſoul, and every intricacy of affairs and events? The cardinal anſwered, "Sire, I learned it all, in my youth, at the election of a pariſh officer." It is a common obſervation in England, that their greateſt ſtateſmen, and their favourite Chatham among the reſt, were formed by attendance on elections. The human heart is no where ſo open and ſo cloſe by turns. Every argument is there exhauſted; every paſſion, prejudice, imagination, ſuperſtition, and caprice, is eaſily and ſurely learned among theſe ſcenes. One would ſuſpect that Shakeſpeare had been an electioneering agent. When theſe elections are in a ſingle city, like Rome, there will be always two ſets of candidates: if one ſet ſucceeds one year, the other will endeavour to ſucceed the next. This will make the whole year a ſcene of faction and intrigue, and every citizen,

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except perhaps a very few who will not meddle on either ſide, a partiſan or factious man. If the elections are in a large country like England, for example, or one of the United States of America, where various cities, towns, boroughs, and corporations, are to be repreſented, each ſcene of election will have two or more candidates, and two or more parties, each of which will ſtudy its ſleights and projects, diſguiſe its deſigns, draw in tools, and worm out enemies. We muſt remember, that every party, and every individual, is now ſtruggling for a ſhare in the executive and judicial power as well as legiſlative, for a ſhare in the diſtribution of all honours, offices, rewards, and profits. Every paſſion and prejudice of every voter will be applied to, every flattery and menace, every trick and bribe that can be beſtowed, and will be accepted, will be uſed; and, what is horrible to think of, that candidate or that agent who has feweſt ſcruples; who will propagate lies and ſlanders with moſt confidence and ſecrecy; who will wheedle, flatter, and cajole; who will debauch the people by tears, feaſts, and diverſions, with the leaſt heſitation, and bribe with the moſt impudent front, which can conſiſt with hypocritical concealment, will draw in tools and worm out enemies the faſteſt: unſullied honour, ſterling integrity, real virtue, will ſtand a very unequal chance. When vice, folly, impudence, and knavery, have carried an election one year, they will acquire, in the courſe of it, freſh influence and power to ſucceed the next. In the courſe of the year, the delegate in an aſſembly that diſpoſes of all commiſſions, contracts, and penſions, has many opportunities to reward his friends among his own conſtituents, and to puniſh his enemies. The ſon or other relation of one friend has a commiſſion

commiſſion given him in the army, another in the navy, a third a benefice in the church, a fourth in the cuſtoms, a fifth in the exciſe; ſhares in loans and contracts are diſtributed among his friends, by which they are enabled to increaſe their own and his dependents and partiſans, or, in other words, to draw in more inſtruments and parties, and worm out their oppoſites. All this is ſo eaſy to comprehend, ſo obvious to ſight, and ſo certainly known in univerſal experience, that it is aſtoniſhing that our author ſhould have ventured to aſſert that ſuch a government kills the canker-worm Faction.

But to conſider the ſubject in one other point of view, let us introduce the idea of a rotation, by which is here meant, not merely vacating a ſeat, which the electors may fill again with the ſame ſubject, but a fundamental law, that no man ſhall ſerve in the ſoveriegn aſſembly more than one year, or two or three years, or one in three, or three in ſix, &c.: for example, ſuppoſe England, or any of the United States, governed by one ſovereign aſſembly, annually elected, with a fundamental law, that no member ſhould ſerve more than three years in ſix; what would be the conſequence? In the firſt place, it is obvious that this is a violation of the rights of mankind; it is an abridgment of the rights both of electors and candidates. There is no right clearer, and few of more importance, than that the people ſhould be at liberty to chooſe the ableſt and beſt men, and that men of the greateſt merit ſhould exerciſe the moſt important employments; yet, upon the preſent ſuppoſition, the people voluntarily reſign this right, and ſhackle their own choice. This year the people chooſe thoſe members who are the ableſt, wealthieſt, beſt qualified, and have moſt

of

of their confidence and affection. In the courſe of the three years they increaſe their number of friends, and conſequently their influence and power, by their adminiſtration, yet at the end of three years they muſt all return to private life, and be ſucceeded by another ſet, who have leſs wiſdom, wealth and virtue, and leſs of the confidence and affection of the people. Will either they or the people bear this? Will they not repeal the fundamental law, and be applauded by the nation, at leaſt by their own friends and conſtituents, who are the majority for ſo doing? But ſuppoſing ſo unnatural and improbable a thing, as that they ſhould yet reſpect the law, what will be the conſequence? They will in effect nominate their ſucceſſors, and govern ſtill. Their friends are the majority, their ſucceſſors will be all taken from their party, and the mortified minority will ſee themſelves the dupes. Thoſe men who have the moſt weight, influence, or power, whether by merit, wealth, or birth, will govern, whether they ſtay at home or go to parliament. Such a rotation then will only increaſe and multiply factions.

Our author's examples muſt be again examined. "What made the Roman kings factions, but a "continuation of power in their perſons and fa-"milies?"* If it is admitted that they were factious, as Tarquin no doubt was, it is certain that the nobles about them were much more ſo; and their factious actions were chiefly occaſioned by the eternal jealouſy and envy, rivalry and ambition, of the great families that were neareſt to them. But the effect was produced by their powers being undefined, unlimited by law, and unchecked by conſtitutional power, not by its prolongation. The power of the king, and the power

power of the ſenate, were continued; and neither was checked, for the people had not a power adequate to the purpoſe of checking either, much leſs both: both grew factious, but the ſenate moſt ſo, and drove away the king, that they might have the excluſive power of being factious, and without the leaſt regard to the liberty of the people.

"After the Romans became a commonwealth, "was it not for the ſame reaſon that the ſenate "fell into ſuch heats and fits among themſelves?" It may be truly anſwered, that it was not the continuation of power in the ſenate, but the powers being unlimited, that made it factious. A power without a check is a faction. The ſenate itſelf was a faction from the firſt moment after the expulſion of the kings. But if the ſenate had been annually choſen by the people, and held the ſame unlimited power, their factions, heats, and fits, would have been much earlier and more violent. "Did not Appius Claudius and his junto by the "ſame means lord it over the ſenate?" It was, again, the illimitation of his power that enabled him to lord it. It was granted only for one year. And who continued it? The people. And who can hinder the people, when they have no check, from continuing power? Who ought to hinder them? But if Appius's unchecked power had grown up from ſtep to ſtep, by a ſeries of popular elections, he would not have lorded it leſs: he might have poſſeſſed Virginia, and have murdered her father with impunity. Continuation of power, in the ſame perſons and families, will as certainly take place in a ſimple democracy, or a democracy by repreſentation, as in an hereditary ariſtocracy or monarchy. This evil, if it be one, will not be avoided nor remedied, but encreaſed and aggravated,

vated, by our author's plan of government. The continuation will be certain; but it will be accompliſhed by corruption, which is worſe than a continuation by birth; and if corruption cannot effect the continuation, ſedition and rebellion will be recurred to: for a degraded, diſappointed, rich and illuſtrious family would at any time annihilate heaven and earth, if it could, rather than fail of carrying its point.

It is our author's peculiar misfortune, that all his examples prove his ſyſtem to be wrong. "Whence was it that Sylla and Marius cauſed "ſo many proſcriptions, cruelties, and combuſ-"tions in Rome, but by an extraordinary continua-"tion of power in themſelves?" Continuation of power in Marius, &c. enabled him to commit cruelties to be ſure: But who continued him in power? Was it the ſenate or the people? By the enthuſiaſm of the people for Marius, he had ſurrounded himſelf with aſſaſſins, who conſidered the patricians, nobles, and ſenate, as enemies to their cauſe, and enabled him and his faction to become maſters of the commonwealth. The better ſort of people, the really honeſt and virtuous republicans, were diſcouraged and deterred from frequenting the public aſſemblies. He had recourſe to violence in the elections of tribunes, that he might carry the choice of a proſtituted tool of his own, Apuleius, againſt the ſenate and nobles; and becauſe their candidate Nonius was choſen, though now veſted with a ſacred character, Marius's creatures murdered him. No man had courage to propoſe an enquiry into the cauſe of his death. Apuleius, to gratify his party, propoſed new laws, to diſtribute lands to the poor citizens and to the veteran ſoldiers, to purchaſe more lands for the ſame purpoſe, to remit the price of corn already diſtributed

diſtributed from the public granaries, and to diſtribute ſtill more gratis, at the public expence, to the people. In vain did the quæſtor and the ſenate repreſent that there would be an end of induſtry, order, and government. Apuleius, to extend the power of the popular aſſemblies, and remove every check from his own and Marius's deſigns, brought forward new laws: 1. That the acts of the tribes ſhould have the force of laws; 2. That it ſhould be treaſon to interrupt a tribune; 3. That the ſenate ſhould be compelled to take an oath to confirm every act of the tribes in five days. The power of the ſenate was thus entirely ſuppreſſed; their branch of the legiſlature was reduced to a mere form, and even the form they were not at liberty to refuſe. Marius, though he was at the bottom of this meaſure at firſt, by the moſt abandoned hypocriſy declared himſelf in ſenate againſt taking the oath, in order to ruin Metellus and all the other honeſt men; and, as ſoon as he had accompliſhed this, he took the oath, and compelled the reſt to do the ſame. It was by flattery, bribery, artifice, and violence, that Marius and Apuleius prevailed with the people to continue their power, in oppoſition to all that the ſenate could do to prevent it. What would have been the conſequence then if there had been no ſenate? Would not the majority of the people in the tribes have continued their power, againſt all that could have been done by the minority? Would not ſtill more of the public lands, money, and grain, have been laviſhed upon proper inſtruments among the majority, and the minority have been compelled to pay the expence? Our author affects to ſay, that the "ſenate "and people continued the powers of Pompey "and Ceaſar." But Cæſar himſelf knew it was

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the people, and not the ſenate; and if the ſenate continued Pompey, it was becauſe Cæſar and the people laid them under the neceſſity of doing it in their own defence. Would Cæſar have had leſs "command in Gallia," if the people, or their ſucceſſive aſſemblies, had been poſſeſſed of all power? It is moſt obvious, that a majority of the people, in that caſe, would have continued Cæſar as long as he deſired, and have given him as much power as he wiſhed: ſo that every ſtep of our author's progreſs demonſtrates his ſyſtem to be falſe. It is idle to ſay, that a continuation of power increaſes influence, and ſpreads corruption, unleſs you point out a way to prevent ſuch a continuance of power. To give all power to the people's ſucceſſive ſingle repreſentative aſſemblies, is to make the continuance of power, with all its increaſing influence and corruption, certain and inevitable. You may as wiſely preach to the winds, as gravely exhort a triumphant majority to lay down their power.

It is undoubtedly honourable in any man, who has acquired a great influence, unbounded confidence, and unlimited power, to reſign it voluntarily; and odious to take advantage of ſuch an opportunity to deſtroy a free government: but it would be madneſs in a legiſlator to frame his policy upon a ſuppoſition that ſuch magnanimity would often appear. It is his buſineſs to contrive his plan in ſuch a manner, that ſuch unlimited influence, confidence, and power, ſhall never be obtained by any man. The laws alone can be truſted with unlimited confidence:—Thoſe laws, which alone can ſecure equity between all and every one *; which are the bond of that dignity which we enjoy in the commonwealth; the

* Quod æquabile inter omnes atque unum, omnibus eſſe poteſt. Cic. p. Cæcin.

foundation of liberty, and the fountain of equity; the mind, the ſoul, the counſel, and judgment of the city; whoſe miniſters are the magiſtrates, whoſe interpreters the judges, whoſe ſervants are all men who mean to be free* :—Thoſe laws, which are right reaſon, derived from the Divinity, commanding honeſty, and forbidding iniquity; which are ſilent magiſtrates, where the magiſtrates are only ſpeaking laws; which, as they are founded in eternal morals, are emanations of the Divine mind †.

If, "the life of liberty, and the only remedy "againſt ſelf-intereſt, lies in ſucceſſion of powers "and perſons," the United States of America have taken the moſt effectual meaſures to ſecure that life and that remedy, in eſtabliſhing annual elections of their governors, ſenators, and repreſentatives. This will probably be allowed to be as perfect an eſtabliſhment of a ſucceſſion of powers and perſons as human laws can make: but in what manner annual elections of governors and ſenators will operate remains to be aſcertained. It ſhould always be remembered, that this is not the firſt experiment that was ever made in the world of elections to great offices of ſtate: how they

* Hoc vinculum eſt hujus dignitatis qua fruimer in republica, hoc fundamentum libertatis, hic fons æquitatis. Mens, et animus, et conſilium, et ſententia civitatis, poſita eſt in legibus. Ut corpora noſtra ſine mente, ſic civitas ſine lege ſuis partibus, ut nervis ac ſangnine et membris, uti non poteſt. Legum miniſtri, magiſtratus: legum interpretes judices: legum denique idcirco omnes ſervi ſumus, ut liberi eſſe poſſimus. Cic. pro Cluent. 146.

† Lex nihil aliud eſt niſi recta, et a numine Deorum tracta ratio, imperans honeſta, prohibens contraria. Cic. ii. in Anton. 23. Illa Divina mens ſumma lex eſt. De Leg. ii. 11. Magiſtratum legem eſſe loquendem, legem magiſtratum mutum. De Leg. iii. 2.

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have hitherto operated in every great nation, and what has been their end, is very well known. Mankind have univerſally diſcovered that chance was preferable to a corrupt choice, and have truſted Providence rather than themſelves. Firſt magiſtrates and ſenators had better be made hereditary at once, than that the people ſhould be univerſally debauched and bribed, go to loggerheads, and fly to arms regularly every year. Thank Heaven! Americans underſtand calling conventions; and if the time ſhould come, as it is very poſſible it may, when hereditary deſcent ſhall become a leſs evil than annual fraud and violence, ſuch a convention may ſtill prevent the firſt magiſtrate from becoming abſolute as well as hereditary.—But if this argument of our author is conſidered as he intended it, as a proof that a ſucceſſion of powers and perſons in one aſſembly is the moſt perfect commonwealth, it is totally fallacious.

Though we allow benevolence and generous affections to exiſt in the human breaſt, yet every moral theoriſt will allow the ſelfiſh paſſions in the generality of men to be the ſtrongeſt. There are few who love the public better than themſelves, though all may have ſome affection for the public. We are not, indeed, commanded to love our neighbour better than ourſelves. Self-intereſt, private avidity, ambition, and avarice, will exiſt in every ſtate of ſociety, and under every form of government. A ſucceſſion of powers and perſons, by frequent elections, will not leſſen theſe paſſions in any caſe, in a governor, ſenator, or repreſentative; nor will the apprehenſion of an approaching election reſtrain them from indulgence if they have the power. The only remedy is to take away the power, by controuling the ſelfiſh avidity of the governor, by the ſenate and houſe;

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of the ſenate, by the governor and houſe; and of the houſe, by the governor and ſenate. Of all poſſible forms of government, a ſovereignty in one aſſembly, ſucceſſively choſen by the people, is perhaps the beſt calculated to facilitate the gratification of ſelf-love, and the purſuit of the private intereſt of a few individuals; a few eminent conſpicuous characters will be continued in their ſeats in the ſovereign aſſembly, from one election to another, whatever changes are made in the ſeats around them; by ſuperior art, addreſs, and opulence, by more ſplendid birth, reputations, and connections, they will be able to intrigue with the people and their leaders out of doors, until they worm out moſt of their oppoſers, and introduce their friends: to this end they will beſtow all offices, contracts, privileges in commerce, and other emoluments, on the latter and their connections, and throw every vexation and diſappointment in the way of the former, until they eſtabliſh ſuch a ſyſtem of hopes and fears throughout the ſtate as ſhall enable them to carry a majority in every freſh election of the houſe. The judges will be appointed by them and their party, and of conſequence will be obſequious enough to their inclinations. The whole judicial authority, as well as the executive, will be employed, perverted, and proſtituted to the purpoſes of electioneering. No juſtice will be attainable, nor will innocence or virtue be ſafe, in the judicial courts, but for the friends of the prevailing leaders: legal proſecutions will be inſtituted and carried on againſt oppoſers, to their vexation and ruin, and as they have the public purſe at command, as well as the executive and judicial power, the public money will be expended in the ſame way. No favours will be attainable but by thoſe who will court the

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ruling demagogues in the houſe, by voting for their friends and inſtruments; and penſions and pecuniary rewards and gratifications, as well as honours and offices of every kind, voted to friends and partiſans. The leading minds and moſt influential characters among the clergy will be courted, and the views of the youth in this department will be turned upon thoſe men, and the road to promotion and employment in the church will be obſtructed againſt ſuch as will not worſhip the general idol. Capital characters among the phyſicians will not be forgotten, and the means of acquiring reputation and practice in the healing art will be to get the ſtate trumpeters on the ſide of youth. The bar too will be made ſo ſubſervient, that a young gentleman will have no chance to obtain a character or clients, but by falling in with the views of the judges and their creators. Even the theatres, and actors and actreſſes, muſt become politicians, and convert the public pleaſures into engines of popularity for the governing members of the houſe. The preſs, that great barrier and bulwark of the rights of mankind, when it is protected in its freedom by law, can now no longer be free: if the authors, writers, and printers, will not accept of the hire that will be offered them, they muſt ſubmit to the ruin that will be denounced againſt them. The preſſes, with much ſecrecy and concealment, will be made the vehicles of calumny againſt the minority, and of panegyric and empirical applauſes of the leaders of the majority, and no remedy can poſſibly be obtained. In one word, the whole ſyſtem of affairs, and every conceivable motive of hope and fear, will be employed to promote the private intereſts of a few, and their obſequious majority: and there is no remedy but in arms. Accordingly

ingly we find in all the Italian republics the minority always were driven to arms in deſpair. "The attaining of particular ends requires length "of time; deſigns muſt lie in fermentation to "gain the opportunity to bring matters to perfection." It is true; but leſs time will be neceſſary in this caſe, in general, than even in a ſimple hereditary monarchy or ariſtocracy.

An ariſtocracy, like the Roman ſenate, between the abolition of royalty and the inſtitution of the tribunate, is of itſelf a faction, a private partial intereſt. Yet it was leſs ſo than an aſſembly annually choſen by the people, and veſted with all authority, would be; for ſuch an aſſembly runs faſter and eaſier into an oligarchy than an hereditary ariſtocratical aſſembly. The leading members having, as has been before ſhewn in detail, the appointment of judges, and the nomination to all lucrative and honourable offices, they have thus the power to bend the whole executive and judicial authority to their own private intereſt, and by theſe means to increaſe their own reputations, wealth and influence, and thoſe of their party, at every new election: whereas in a ſimple hereditary ariſtocracy, it is the intereſt of the members in general to preſerve an equality among themſelves as long as they can; and as they are ſmaller in number, and have more knowledge, they can more eaſily unite for that purpoſe, and there is no opportunity for any one to increaſe his power by any annual elections. An aſpiring ariſtocratic therefore muſt take more time, and uſe more addreſs, to augment his influence: yet we find in experience, that even hereditary ariſtocracies have never been able to prevent oligarchies riſing up among them, but by the moſt rigorous, ſevere,

ſevere, and tyrannical regulations, ſuch as the inſtitution of inquiſitions, &c.

It may ſound oddly to ſay that the majority is a faction; but it is, nevertheleſs, literally juſt. If the majority are partial in their own favour, if they refuſe to deny a perfect equality to every member of the minority, they are a faction: and as a popular aſſembly, collective or repreſentative, cannot act, or will, but by a vote, the firſt ſtep they take, if they are not unanimous, occaſions a diviſion into majority and minority, that is into two parties, and the moment the former is unjuſt it is a faction. The Roman decemvirs themſelves were ſet up by the people, not by the ſenate: much longer time would have been required for an oligarchy to have grown up among the patricians and in the ſenate, if the people had not interpoſed and demanded a body of laws, that is, a conſtitution. The ſenate oppoſed the requiſition as long as they could, but at laſt appointed the decemvirs, much againſt their own inclinations, and merely in compliance with the urgent clamours of the people. Nedham thinks, that "as "the firſt founders of the Roman liberty did well "in driving out their kings; ſo on the other "ſide, they did very ill in ſettling a ſtanding "authority within themſelves." It is really very injudicious, and very ridiculous, to call thoſe Roman nobles who expelled their kings, founders of the Roman liberty: nothing was farther from their heads or their hearts than national liberty; it was merely a ſtruggle for power between a king and a body of haughty envious nobles; the intereſts of the people and of liberty had no ſhare in it. The Romans might do well in driving out their king: he might be a bad and incorrigible character; and in ſuch a caſe any people may do well

well in expelling or depoſing a king. But they did not well in demoliſhing the ſingle executive magiſtracy: they ſhould have then demanded a body of laws, a definite conſtitution, and an integral ſhare in the legiſlature for the people, with a perciſe deliniation of the powers of the firſt magiſtrate and ſenate. In this caſe they would have been entitled to the praiſe of founders of Roman liberty: but as it was, they only ſubſtituted one ſyſtem of tyranny for another, and the new one was worſe than the old. They certainly "did "very ill in ſettling a ſtanding ſovereign ſupreme "authority within themſelves." Thus far our author is perfectly in the right, and the reaſon he gives for this opinion is very well founded: it is the ſame that was given thouſands of years before him, by Plato, Socrates, and others, and has been conſtantly given by all ſucceeding writers in favour of mixed governments, and againſt ſimple ones, "becauſe, lying open to the temptations of "honour and profit," or, in other words, having their ambition and vanity, avarice and luſt, hatred and reſentment, malice and revenge, in ſhort, their ſelf-love, and all their paſſions ("which are "ſails too big for any human bulk") unreſtrained by any controuling power, they were at once tranſported by them; made uſe of their public power not for the good of the commonwealth, but for the gratification of their private paſſions, whereby they put the commonwealth, into frequent flames of diſcontent and ſedition. Thus far is very well: but when our author goes on, "which "might all have been prevented, could they "have ſettled the ſtate free, indeed, by placing an "orderly ſucceſſion of ſupreme authority in the "hands of the people," he can be followed by no one who knows what is in man, and in ſociety—

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becauſe that ſupreme authority falls out of the whole body into a majority at the firſt vote. To expect ſelf-denial from men, when they have a majority in their favour, and conſequently power to gratify themſelves, is to diſbelieve all hiſtory and univerſal experience; it is to diſbelieve Revelation and the Word of God, which informs us, the heart is deceitful above all things, and deſperately wicked. There have been examples of ſelf-denial, and will be again; but ſuch exalted virtue never yet exiſted in any large body of men and laſted long: and our authors argument requires it to be proved, not only that individuals, but that nations and majorities of nations, are capable not only of a ſingle act, or a few acts of diſintereſted juſtice and exalted ſelf-denial, but of a courſe of ſuch heroic virtue for ages and generations; and not only that they are capable of this, but that it is probable they will practiſe it. There is no man ſo blind as not to ſee, that to talk of founding a government upon a ſuppoſition that nations and great bodies of men, left to themſelves, will practiſe a courſe of ſelf-denial, is either to babble like a new-born infant, or to deceive like an unprincipled impoſtor. Nedham has himſelf acknowledged, in ſeveral parts of this work, the depravity of men in very ſtrong terms. In this fifth reaſon he avers "temptations of honour and profit to be "ſails too big for any human bulk." Why then does he build a ſyſtem on a foundation which he owns to be ſo unſtable? If his mind had been at liberty to follow his own ideas and principles, he muſt have ſeen, that a ſucceſſion of ſupreme authority in the hands of the people, by their houſe of repreſentatives, is at firſt an ariſtocracy as deſpotical as a Roman ſenate, and becomes an oligarchy even ſooner than that aſſembly fell into the decemvirate. There is this infallible diſadvan-

tage in ſuch a government, even in compariſon with an hereditary ariſtocracy, that it lets in vice, profligacy, and corruption, like a torrent, with tyranny; whereas the latter often guards the morals of the people with the utmoſt ſeverity:—even the deſpotiſm of ariſtocracy preſerves the morals of the people.

It is pretended by ſome, that a ſovereignty in a ſingle aſſembly, annually elected, is the only one in which there is any reſponſibility for the exerciſe of power. In the mixed government we contend for, the miniſters, at leaſt of the executive power, are reſponſible for every inſtance of the exerciſe of it; and if they diſpoſe of a ſingle commiſſion by corruption, they are reſponſible to a houſe of repreſentatives, who may, by impeachment, make them reſponſible before a ſenate, where they may be accuſed, tried, condemned, and puniſhed, by independent judges. But in a ſingle ſovereign aſſembly, each member, at the end of his year, is only reſponſible to his conſtituents: and the majority of members who have been of one party, and carried all before them, are to be reſponſible only to their conſtituents, not to the conſtituents of the minority who have been overborne, injured, and plundered. And who are theſe conſtituents to whom the majority are accountable? Thoſe very perſons to gratify whom they have proſtituted the honours, rewards, wealth, and juſtice of the ſtate. Theſe, inſtead of puniſhing, will applaud; inſtead of diſcarding, will re-elect, with ſtill greater eclat, and a more numerous majority; for the loſing cauſe will be deſerted by numbers: and this will be done in hopes of having ſtill more injuſtice done, ſtill more honours and profits divided among themſelves, to the excluſion and mortification of the minority. It is then aſtoniſhing that ſuch a ſim-

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ple government ſhould be preferred to a mixed one, by any rational creature, on the ſcore of reſponſibility. There is in ſhort, no poſſible way of defending the minority in ſuch a government, from the tyranny of the majority, but by giving the former a negative on the latter, the moſt abſurd inſtitution that ever took place among men. As the major may bear all poſſible relations of proportion to the minor part, it may be fifty-one againſt forty-nine in an aſſembly of an hundred, or it may be ninety-nine againſt one only: it becomes therefore neceſſary to give the negative to the minority, in all caſes, though it be ever ſo ſmall. Every member muſt poſſeſs it, or he can never be ſecure that himſelf and his conſtituents ſhall not be ſacrificed by all the reſt. This is the true ground and original of the liberum veto in Poland; but the conſequence has been ruin to that noble but ill-conſtituted republic. One fool, or one knave, one member of the diet which is a ſingle ſovereign aſſembly, bribed by an intriguing ambaſſador of ſome foreign power, has prevented meaſures the moſt eſſential to the defence, ſafety, and exiſtence of the nation. Hence humiliations and partitions! This alſo is the reaſon on which is founded the law of the United Netherlands, that all the ſeven provinces muſt be unanimous in the aſſembly of the States General; and all the cities and other voting bodies in the aſſemblies of the ſeparate ſtates. Having no ſufficient checks in their uncouth conſtitution, nor any mediating power poſſeſſed of the whole executive, they have been driven to demand unanimity inſtead of a balance: and this muſt be done in every government of a ſingle aſſembly, or the majority will inſtantly oppreſs the minority. But what kind of government would that be in the United States of America, or any one of them, that

that ſhould require unanimity, or allow of the liberum veto? It is ſufficient to aſk the queſtion, for every man will anſwer it alike.

No controverſy will be maintained with our author, "that a free ſtate is more excellent than "ſimple monarchy, or ſimple ariſtocracy." But the queſtion is, What is a free ſtate? It is plain our author means a ſingle aſſembly of repreſentatives of the people, periodically elected, and veſted with the ſupreme power. This is denied to be a free ſtate. It is at firſt a government of grandees, and will ſoon degenerate into a government of a junto or oligarchy of a few of the moſt eminent of them, or into an abolute monarchy of one of them. The government of theſe grandees, while they are numerous, as well as when they become few, will be ſo oppreſſive to the people, that the people from hatred or fear of the gentlemen, will ſet up one of them to rule the reſt, and make him abſolute. Will it be aſked how this can be proved? It is proved, as has been often already ſaid, by the conſtitution of human nature, by the experience of the world, and the concurrent teſtimony of all hiſtory. The paſſions and deſires of the majority of the repreſentatives in aſſembly being in their nature inſatiable and unlimited by any thing within their own breaſts, and having nothing to controul them without, will crave more and more indulgence, and, as they have the power, they will have the gratification; and Nedham's government will have no ſecurity for continuing free, but the preſumption of ſelf-denial and ſelf-government in the members of the aſſembly, virtues and qualities that never exiſted in great bodies of men, by the acknowledgment of all the greateſt judges of human

man nature, as well as by his own, when he ſays, that "temptations of honour and profit are ſails "too big for any human bulk." It would be as reaſonable to ſay, that all government is altogether unneceſſary, becauſe it is the duty of all men to deny themſelves, and obey the laws of nature, and the laws of God. However clear the duty, we know it will not be performed; and therefore it is our duty to enter into aſſociations, and compel one another to do ſome of it.

It is agreed that the people are the beſt keepers of their own liberties, and the only keepers who can be always truſted; and therefore the people's fair, full and honeſt conſent, to every law, by their repreſentatives, muſt be made an eſſential part of the conſtitution: but it is denied that they are the beſt keepers, or any keepers at all, of their own liberties, when they hold collectively, or by repreſentation, the executive and judicial power, or the whole and uncontrouled legiſlative; on the contrary, the experience of all ages has proved, that they inſtantly give away their liberties into the hands of grandees, or kings, idols of their own creation. The management of the executive and judicial powers together always corrupts them, and throws the whole power into the hands of the moſt profligate and abandoned among themſelves. The honeſt men are generally nearly equally divided in ſentiment, and therefore the vicious and unprincipled, by joining one party, carries the majority, and the vicious and unprincipled always follow the moſt profligate leader, him who bribes the higheſt, and ſets all decency and ſhame at defiance; it becomes more profitable, and reputable too, except with a very few, to be a party man than a public ſpirited one.

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"is the good and eaſe of the people, in a ſecure "enjoyment of their rights, without oppreſſion;" but it muſt be remembered, that the rich are *people* as well as the poor; that they have rights as well as others; that they have as clear and as *ſacred* a right to their large property, as others have to theirs which is ſmaller; that oppreſſion to them is as poſſible, and as wicked, as to others; that ſtealing, robbing, cheating, are the ſame crimes and ſins, whether committed againſt them or others. The rich, therefore, ought to have an effectual barrier in the conſtitution againſt being robbed, plundered, and murdered, as well as the poor; and this can never be without an independent ſenate. The poor ſhould have a bulwark againſt the ſame dangers and oppreſſions; and this can never be without a houſe of repreſentatives of the people. But neither the rich nor the poor can be defended by their reſpective guardians in the conſtitution, without an executive power, veſted with a negative, equal to either, to hold the balance even between them, and decide when they cannot agree. If it is aſked, when will this negative be uſed? it may be anſwered, Perhaps never: the known exiſtence of it will prevent all occaſion to exerciſe it; but if it has not a being, the want of it will be felt every day. If it has not been uſed in England for a long time paſt, it by no means follows that there have not been occaſions when it might have been employed with propriety. But one thing is very certain, that there have been many occaſions when the conſtitution would have been overturned ſince the Revolution, if the negative had not been an indubitable prerogative of the crown.

It is agreed that the people are "moſt ſenſible "of their own burthens; and being put into a "capacity

" capacity and freedom of acting, are the moſt " likely to provide remedies for their own relief." For this reaſon they are an eſſential branch of the legiſlature, and have a negative on all laws, an abſolute controul over every grant of money, and an unlimited right to accuſe their enemies before an impartial tribunal. Thus far they are moſt ſenſible of their burthens, and moſt likely to provide remedies. But it is affirmed, that they are not only incapable of managing the executive power, but would be inſtantly corrupted by it in ſuch numbers as would deſtroy the integrity of all elections. It is denied that the legiſlative power can be wholly entruſted in their hands with a moment's ſafety: the poor and the vicious would inſtantly rob the rich and virtuous, ſpread their plunder in debauchery, or confer it upon ſome idol, who would become the deſpot; or, to ſpeak more intelligibly, if not more accurately, ſome of the rich, by debauching the vicious to their corrupt intereſt, would plunder the virtuous, and become more rich, until they acquired all the property, or a balance of property and of power, in their own hands, and domineered as deſpots in an oligarchy.

It is agreed that the " people know where the "ſhoe wrings, what grievances are moſt heavy," and therefore they ſhould always hold an independent and eſſential part in the legiſlature, and be always able to prevent the ſhoe from wringing more, and the grievances from being made more heavy; they ſhould have a full hearing of all their arguments, and a full ſhare of all conſultations, for eaſing the foot where it is in pain, and for leſſening the weight of grievances, or annihilating them; but it is denied that they have right, or that they ſhould have power, to take from one man his

his property to make another eaſy, and that they *only* know "what fences they ſtand in need of to "ſhelter them from the injurious aſſaults of thoſe "powers that are above them;" meaning, by the powers above them, ſenators and magiſtrates, though, properly ſpeaking, there are no powers above them but the law, which is above all men, governors and ſenators, kings and nobles, as well as commons.

The Americans have agreed with this writer in the ſentiment, "that it is but reaſon that the "people ſhould ſee that none be intereſted in the "ſupreme authority but perſons of their own "election, and ſuch as muſt, in a ſhort time, re-"turn again into the ſame condition with them-"ſelves." This hazardous experiment they have tried, and, if elections are ſoberly made, it may anſwer very well; but if parties, factions, drunkenneſs, bribes, armies, and delirium, come in, as they always have done ſooner or later, to embroil and decide every thing, the people muſt again have recourſe to conventions, and find a remedy. Neither philoſophy nor policy has yet diſcovered any other cure, than by prolonging the duration of the firſt magiſtrate and ſenators. The evil may be leſſened and poſtponed, by elections for longer periods of years, till they become for life; and if this is not found an adequate remedy, there will remain no other but to make them hereditary. The delicacy or the dread of unpopularity, that ſhould induce any man to conceal this important truth from the full view and contemplation of the people, would be a weakneſs, if not a vice. As to "reaping the ſame benefit or "burthen by the laws enacted that befals the "reſt of the people," this will be ſecured; whether the firſt magiſtrate and ſenate be elective or hereditary,

hereditary, as long as the people are an integral branch of the legiſlature; can be bound by no laws to which they have not conſented; and can be ſubjected to no tax which they have not agreed to lay. It is agreed that the "iſſue of ſuch a "conſtitution," whether the governor and ſenate be hereditary or elective, muſt be this, "that no "load be laid upon any, but what is common "to all, and that always by common conſent; "not to ſerve the luſts of any, but only to ſup-"ply the neceſſities of their country."

The next paragraph is a figurative flouriſh, calculated to amuſe a populace, without informing their underſtandings. Poetry and myſtics will anſwer no good end in diſcuſſing queſtions of this nature. The ſimpleſt ſtyle, the moſt mathematical preciſion of words and ideas, is beſt adapted to diſcover truth, and to convey it to others, in reaſoning on this ſubject. There is here a confuſion that is more than accidental—it is artful:—the author purpoſely ſtates the queſtion, and makes the compariſon only between ſimple forms of government, and carefully keeps out of ſight the idea of a judicious mixture of them all. He ſeems to ſuppoſe, that a ſupreme power muſt be wholly in the hands of a ſimple monarch, or of a ſingle ſenate, or of the people, and ſtudiouſly avoids conſidering the ſovereignty lodged in a compoſition of all three. "When a ſupreme "power long continues in the hands of any per-"ſon or perſons, they, by greatneſs of place, be-"ing ſeated above the middle region of the peo-"ple, ſit ſecure from all winds and weathers, and "from thoſe ſtorms of violence that nip and ter-"rify the inferior part of the world." If this is popular poetry, it is not philoſophical reaſoning. It may be made a queſtion, whether it is true in

fact, that perſons in the higher ranks of life are more exempted from dangers and evils that threaten the commonwealth than thoſe in the middle or lower rank? But if it were true, the United States of America have eſtabliſhed their governments upon a principle to guard againſt it; and, "by a ſucceſſive revolution of authority, they "come to be degraded of their earthly godheads, "and return into the ſame condition with other "mortals;" and therefore, "they muſt needs be "more ſenſible and tender of what is laid upon "them."

Our author is not explicit. If he meant that a fundamental law ſhould be made, that no man ſhould be choſen more than one year, he has no where ſaid ſo. He knew the nation would not have borne it. Cromwell and his creatures would all have deteſted it; nor would the members of the Long Parliament, or their conſtituents, have approved it. The idea would have been univerſally unpopular. No people in the world will bear to be deprived, at the end of one year, of the ſervice of their beſt men, and be obliged to confer their ſuffrages, from year to year, on the next beſt, until the rotation brings them to the worſt. The men of greateſt intereſt and influence, moreover will govern; and if they cannot be choſen themſelves, they will generally influence the choice of others ſo decidedly, that they may be ſaid to have the appointment. If it is true that "the ſtrongeſt obligation that can be laid "upon a man in public matters, is to ſee that "he engage in nothing but what muſt either "offenſively or beneficially reflect upon himſelf," it is equally true at leaſt in a mixed government as in a ſimple democracy: it is, indeed, more clearly and univerſally true, bacauſe in the firſt

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the repreſentatives of the people being the ſpecial guardians of equality, equity, and liberty, for the people, will not conſent to unequal laws; but in the ſecond, where the great and rich will have the greateſt influence in the public councils, they will continually make unequal laws in their own favour, unleſs the poorer majority unite, which they rarely do, ſet up an oppoſition to them, and run them down by making unequal laws againſt them. In every ſociety where property exiſts, there will ever be a ſtruggle between rich and poor. Mixed in one aſſembly, equal laws can never be expected: they will either be made by numbers, to plunder the few who are rich, or by influence, to fleece the many who are poor. Both rich and poor, then muſt be made independent, that equal juſtice may be done, and equal liberty enjoyed by all. To expect that in a ſingle ſovereign aſſembly no load ſhall be laid upon any but what is common to all, nor to gratify the paſſions of any, but only to ſupply the neceſſities of their country, is altogether chimerical. Such an aſſembly, under an awkward unwieldy form, becomes at once a ſimple monarchy in effect: ſome one overgrown genius, fortune, or reputation, becomes a deſpot, who rules the ſtate at his pleaſure, while the deluded nation, or rather a deluded majority, thinks itſelf free; and in every reſolve, law, and act of government, you ſee the intereſt, fame, and power, of that ſingle individual attended to more than the general good.

It is agreed, that "if any be never ſo good a "patriot," (whether his power be prolonged or not) "he will find it hard to keep ſelf from "creeping in upon him, and prompting him to "ſome extravagances for his own private bene-"fit." But it is aſſerted, that power will be pro-

longed

longed in the hands of the ſame patriot, the ſame rich, able, powerful, and well-deſcended citizen, &c. as much as if he had a ſeat for life; or an hereditary ſeat in the ſenate, and, what is more deſtructive, his power and influence is conſtantly increaſing, ſo that ſelf is more certainly and rapidly growing upon him; whereas, in the other caſe, it is defined, limited, and never materially varies. If, in the firſt caſe, "he "be ſhortly to return to a condition common "with the reſt of his brethren," it is only for a moment, or a day, or a week, in order to be re-elected with freſh eclat, redoubled popularity, increaſed reputation, influence, and power. Self-intereſt, therefore, binds him to propagate a falſe report and opinion, that he "does nothing but "what is juſt and equal," while in fact he is every day doing what is unjuſt and unequal; while he is applying all the offices of the ſtate, great and ſmall, the revenues of the public, and even the judicial power, to the augmentation of his own wealth and honours, and thoſe of his friends, and to the puniſhment, depreſſion, and deſtruction of his enemies, with the acclamations and hoſannas of the majority of the people.

"This, without controverſy, muſt needs be the "moſt noble, the moſt juſt, and the moſt excel-"lent way of government in free ſtates," provided our author meant only a mixed ſtate, in which the people have an eſſential ſhare, and the command of the public purſe, with the judgment of cauſes and accuſations as jurors, while their power is tempered and controuled by the ariſtocratical part of the community in another houſe, and the executive in a diſtinct branch. But as it is plain his meaning was to jumble all theſe powers in one centre, a ſingle aſſembly of repreſentatives, it muſt be

be pronounced the moſt ignoble, unjuſt, and deteſtable form of government; worſe than even a well-digeſted ſimple monarchy or ariſtocracy. The greateſt excellency of it is, that it cannot laſt, but haſtens rapidly to a revolution.

For a further illuſtration of this ſubject, let a ſuppoſition be made, that in the year 1656, when this book was printed, the ſyſtem of it had been reduced to practice: A fair, full, and juſt repreſentation of the people of England appears in the houſe of commons in Weſtminſter-hall; my lord general Cromwell is returned for Weſtminſter or London; Ireton, Lambert, &c. for other principal cities or counties; Monk, Sir Harry Vane, &c. for others; and even Hugh Peters for ſome borough;—all eyes profoundly bow to my lord general as the firſt member of the houſe; the other principal characters are but his primary planets, and the multitude but ſecondary; altogether making a great majority in the intereſt of his highneſs; if the majority is clear, and able to excite a ſtrong current of popular rumours, ardor, and enthuſiaſm, in their favour, their power will increaſe with every annual election, until Cromwell governs the nation more abſolutely than any ſimple monarch in Europe. If there are in the houſe any members ſo daring as to differ in opinion, they will looſe their ſeats, and more ſubmiſſive characters be returned in their places; but if the great men in the houſe ſhould fall into pretty equal diviſions, then would begin a warfare of envy, rancour, hatred and abuſe of each other, until they divided the nation into two parties, and both muſt take the field.—Suppoſe for a further illuſtration, the monarchical and ariſtocratical branches in England ſuſpended, and all authority lodged in the preſent houſe of commons;—ſuppoſe

poſe that, in addition to all the great national queſtion of legiſlation, were added the promotion of all offices in the church, the law, the army, navy, exciſe, cuſtoms, and all queſtions of foreign alliance; let all the foreign ambaſſadors, as well as candidates for offices, ſolicit there:—the contemplation muſt be amuſing! but there is not a member of the houſe could ſeriouſly wiſh it, after thinking a moment on the conſequence. The objects are ſmaller, and the preſent temptations leſs, in our American houſes; but the impropriety would be equally obvious, though perhaps not ſo inſtantaneouſly deſtructive.

Our author proceeds to prove his doctrine by examples out of Roman hiſtory. "What more "noble patriots were there ever in the world than "the Roman ſenators were, while they were "kept under by their kings, and felt the ſame "burthens of their fury, as did the reſt of the "people?"

If by the patriots are meant men who were brave and active in war to defend the commonwealth againſt its enemies, the Roman ſenators and patricians were, under the kings, as good patriots as the plebeians were, and no better. Whether they were ever kept under by their kings, or whether their kings were kept under by them, I ſubmit to Livy and Dionyſius. The whole line of their kings, Romulus, Numa, Tullus, Ancus, Lucius Tarquinius, Servius Tullius, were meritorious princes; yet the patricians and ſenators maintained a continual ſeries of cabals againſt them, conſtantly conſpiring to ſet up one, and pull down another. Romulus was put to death by the patricians; Tullus Hoſtilius was murdered by the patricians; Lucius Tarquinius was aſſaſſinated by the patricians; and Servius Tullius

Tullius too was murdered by the patricians, to make way for Tarquin. Some of theſe excellent princes were deſtroyed for being too friendly to the people, and others for not being ſervile enough to the ſenate. If it is patriotiſm to perſecute to death every prince who had an equitable deſire of doing juſtice, and eaſing the burthens of the plebeians; to intrigue in continual factions to ſet up one king and butcher another; to conſider friendſhip, and humanity, and equity, to the plebeians as treaſon againſt the ſtate, and the higheſt crime that could be committed either by a king or patrician; then the Roman ſenators under the kings were noble patriots. But the utmoſt degrees of jealouſy, envy, arrogance, ambition, rancour, rage, and cruelty, that ever conſtituted the ariſtocratical or oligarchical character in Sparta, Venice, Poland, or wherever unbalanced ariſtocratics have exiſted and been moſt enormous, exiſted in the Roman patricians under their kings.

What can our author mean by the ſenate and people's "feeling the burthens of the fury of their "kings?" Surely he had read the Roman hiſtory! Did he mean to repreſent it? The whole line of Roman kings, until we come to Tarquin the Proud, were mild, moderate princes, and their greateſt fault, in the eyes of the ſenators, was an endeavour now and then to protect the people againſt the tyranny of the ſenate. Their greateſt fault, in the judgment of truth, was too much complaiſance to the ſenate, by making the conſtitution more ariſtocratical: witneſs the aſſemblies by centuries inſtituted by Servius Tullius.

But Nedham ſhould have conſidered what would have been the fruits in Rome, from the time of Romulus, of annual elections of ſenators to be

be veſted with ſupreme power, with all the authority of the king, ſenate, and people. All thoſe perſons whoſe names we now read as kings, and all thoſe who are mentioned as ſenators, would have caballed with the people as well as one another. Their paſſions would not have been extinguiſhed; the ſame jealouſy and envy, ambition and avarice, revenge and cruelty, would have been diſplayed in aſſemblies of the people: ſometimes one junto would have been popular, ſometimes another; one ſet of principles would have prevailed one year, and another the next; now one law, then another; at this time one rule of property, at that another; riots, tumults, and battles, would have been fought continually; the law would have been a perfect Proteus. But as this confuſion could not laſt long, either a ſimple monarchy, or an ariſtocracy, muſt have ariſen; theſe might not have laſted long, and all the revolutions deſcribed by Plato and Ariſtotle as growing out of one another, and that we ſee in the Greek, Roman, and Italian republics, did grow out of one another, muſt have taken place, until the people, weary of changes, would have ſettled under a ſingle tyranny and ſtanding army, unleſs they had been wiſe enough to eſtabliſh a well-ordered government of three branches. It is eaſy to miſrepreſent and confound things in order to make them anſwer a purpoſe, but it was not becauſe the authority was *permanent* or *ſtanding*, or *hereditary*, that the behaviour of the ſenate was worſe after the expulſion of the kings than it had been under them; for the dignity of patricians, and the authority of ſenators, was equally *ſtanding*, *permanent*, and *hereditary*, under the kings, from the inſtitution of Romulus to the expulſion of Tarquin, as it was afterwards, from the expulſion

of

of Tarquin to the inſtitution of tribunes, and indeed to the ſubverſion of the commonwealth. It was not its *permanency*, but its *omnipotence*, its being *unlimited*, *unbalanced*, *uncontrouled*, that occaſioned the abuſe; and this is perciſely what we contend for, that power is always abuſed when unlimited and unbalanced, whether it be permanent or temporary, a diſtinction that makes little difference in effect. The temporary has often been the worſt of the two, becauſe it has often been ſooner abuſed, and more groſsly, in order to obtain its revival at the ſtated period. It is agreed that patricians, nobles, ſenators, the ariſtocratical part of the community, call it by what name you pleaſe, are noble patriots when they are kept under; they are really then the beſt men and the beſt citizens: but there is no poſſibility of keeping them under but by giving them a maſter in a monarchy, and two maſters in a free government. One of the maſters I mean is the executive power in the firſt magiſtrate, and the other is the people in their houſe of repreſentatives. Under theſe two maſters they are, in general, the beſt men, citizens, magiſtrates, generals, or other officers; they are the guardians, ornaments, and glory of the community.

Nedham talks of "ſenate and people's feeling "the burthens of the fury of the kings:" but as we cannot accuſe this writer of ignorance, this muſt have been either artifice or inadvertence. There is not in the whole Roman hiſtory ſo happy a period as this under their kings. The whole line were excellent characters, and fathers of their people, notwithſtanding the continual cabals of the nobles againſt them. The nation was formed, their morality, their religion, the maxims of their government, were all eſtabliſhed under theſe kings:

the nation was defended againſt innumerable and warlike nations of enemies; in ſhort, Rome was never ſo well governed or ſo happy. As ſoon as the monarchy was aboliſhed, and an ambitious republic of haughty aſpiring ariſtocratics was erected, they were ſeized with the ambition of conqueſt, and became a torment to themſelves and the world. Our author confeſſes, that "being "freed from the kingly yoke, and having ſecured "all power within the hands of themſelves and "their poſterity, they fell into the ſame abſurdities "that had been before committed by their kings, "ſo that this new yoke became more intolerable "than the former." It would be more conformable to the truth of hiſtory to ſay that they continued to behave exactly as they had done; but having no kings to murder, they had only people to deſtroy. The ſovereign power was in them under the kings, and their greateſt animoſity againſt their kings, next to the ambitious deſire of getting into their places, was their too frequent patronage of the people. The only change made by the revolution was to take off a little awe which the name of king inſpired. The office, with all its dignities, authorities, and powers, was in fact continued under the title of conſul; it was made annually elective it is true, and became accordingly a mere tool of the ſenate, wholly deſtitute of any power or will to protect plebeians, a diſpoſition which the hereditary kings always diſcovered more or leſs, and thereby became odious to the ſenate; for there is no ſin or crime ſo heinous, in the judgment of patricians, as for any one of their own rank to court plebeians, or become their patron, protector, or friend.

It is very true that "the new yoke was more "intolerable than the old, nor could the peo-

"ple

" ple find any remedy until they procured that " neceſſary office of the tribunes." This was ſome remedy, but a very feeble and ineffectual one: nor, if the people had inſtituted an annual aſſembly of 500 repreſentatives, would that have been an effectual remedy, without a plenary executive power in the conſul; the ſenate and aſſembly would have been ſoon at war, and the leader of the victorious army maſter of the ſtate. If " the tri- " bunes, by being veſted with a temporary au- " thority by the people's election, remained the " more ſenſible of their condition," the American governors and ſenators, veſted as they are with a temporary authority by the people's election, will remain ſenſible of their condition too. If they do not become too ſenſible of it, and diſcover that flattery, and bribery, and partiality, are better calculated to procure renovations of their authority, than honeſty, liberty, and equality, happy indeed ſhall we all be!

" What more excellent patriot could there be " than Manlius, till he became corrupted by time " and power?" Is it a clear caſe that Manlius was corrupted? To me he appears the beſt patriot in Roman hiſtory: the moſt humane, the moſt equitable; the greateſt friend of liberty, and the moſt deſirous of a conſtitution truly free; the real friend of the people, and the enemy of tyranny in every ſhape, as well as the greateſt hero and warriour of his age—a much greater character than Camillus. Our author's expreſſion implies, that " there was no greater patriot," until he ſaw the neceſſity of new-modelling the conſtitution, and was concerting meaſures upon the true principle of liberty, the authority of the people, to place checks upon the ſenate. But Manlius is an unfortunate inſtance for our author. It was not time and

power

power that inſpired him with his deſigns; the jealouſy and envy of the ſenate had removed him from power: he was neither conſul, dictator, nor general. Ariſtocratical envy had ſet up Camillus, and continued him in power, both as conſul and dictator, on purpoſe to rival and mortify Manlius. It was diſcontinuance of power then that corrupted him, if he was corrupted; and this generally happens, diſappointed candidates for popular elections are as often corrupted by their fall from power, as hereditary ariſtocratics by their continuance in it.

"Who more noble, courteous, and well affected "ed to the common good than Appius Claudius "at firſt? But afterwards, having obtained a con- "tinuation of the government in his own hands, "he ſoon loſt his primitive innocence and integ- "rity, and devoted himſelf to all the practices "of an abſolute tyrant." This is very true, but it was not barely continuation of power, it was abſolute power, that did the miſchief. If the power had been properly limited in degree, it might have been continued, without limitation of time, without corrupting him: though it might be better to limit it, both in degree and in time; and it muſt never be forgotten that it was the people, not the ſenate, that continued him in power.

The ſenate acted an arbitrary and reprehenſible part, when they thought to continue Lucius Quintius in the conſulſhip longer than the time limited by law: by violating the law they became tyrants, and their act was void. That gallant man acted only the part of a good citizen in refuſing to ſet a precedent ſo prejudicial to the Roman conſtitution; his magnanimity merits praiſe: but perhaps he was the only ſenator who would have refuſed,

refuſed, and we cannot ſafely reckon upon ſuch ſelf-denial in forming any conſtitution of government. But it may be depended on, that when the whole power is in one aſſembly, whether of patricians or plebeians, or any mixture of both, a favourite will be continued in power whenever the majority wiſhes it, and every conceivable fundamental law, or even oath, againſt it will be diſpenſed with.

A ſeventh reaſon, why a people qualified with a due and orderly ſucceſſion of their ſupreme aſſemblies are the beſt keepers of their own liberties, is "becauſe, as in other forms, thoſe "perſons only have acceſs to government who "are apt to ſerve the luſt and will of the prince, "or elſe are parties or compliers with ſome "popular faction; ſo in this form of government "by the people, the door of dignity ſtands open "to all, without exception, that aſcend thither "by the ſteps of worth and virtue: the conſider-"ation whereof hath this noble effect in free "ſtates, that it edges men's ſpirits with an active "emulation, and raiſeth them to a lofty pitch of "deſign and action."

This is a maſs of popular aſſertions, either hazarded at random, or, if aimed at a point, very little guarded by the love of truth. It is no more true, that in other forms thoſe perſons *only* have acceſs to government who are apt to ſerve the luſt and will of a prince or a faction, than it is that, in our author's form, thoſe only would obtain elections who will ſerve the luſts and wills of the moſt idle, vicious, and abandoned of the people, at the expence of the labour, wealth, and reputation of the moſt induſtrious, virtuous, and pious. The door of dignity, in ſuch a govern-

ment,

ment, is ſo far from ſtanding open to all of worth and virtue, that, if the executive and judicial powers are managed in it, virtue and worth will ſoon be excluded. In an abſolute monarchy the road to preferment may lie open to all. In an ariſtocracy, the way of promotion may be open to all, and all offices in the executive department, as in the army, navy, courts of juſtice, foreign embaſſies, revenues, &c. may be filled from any claſs of the people. In a mixed government, conſiſting of three branches, all offices ever will be open, for when the popular branch is deſtined expreſsly to defend the rights of the people, it is not probable they will ever conſent to a law that ſhall exclude any claſs of their conſtituents. In this kind of government, indeed, the chance for merit to prevail is greater than in any other. The executive having the appointment to all offices, and the miniſters of that executive being reſponſible for every exerciſe of their power, they are more cautious; they are reſponſible to their maſter for the recommendations they give, and to the nation and its repreſentatives for the appointments that are made: whereas a ſingle repreſentative aſſembly is accountable to nobody. If it is admitted that each member is accountable to his conſtituents for the vote he gives, what is the penalty? No other than not to vote for him at the next election. And what puniſhment is that? His conſtituents know nor care any thing about any offices or officers but ſuch as lie within the limits of their pariſh: and let him vote right or wrong about all others, he has equally their thanks and future votes. What can the people of the cities, countries, boroughs, and corporations in England know of the characters of all the generals,

rals, admirals, ambaſſadors, judges, and biſhops, whom they never ſaw, nor perhaps heard of?

But was there never a Sully, Colbert, Maleſherbes, Turgot, or Neckar, called to power in France? nor a Burleigh, nor a Pitt, in England? Was there never a Camillus appointed by a ſenate, nor a De Ruyter, Van Tromp, or De Witt, by an ariſtocratical body? When a writer is not careful to confine himſelf to truth, but allows himſelf a latitude of affirmation and denial, merely addreſſed to an ignorant populace, there is no end of ingenuity in invention. In this caſe his object was to run down an exiled king, and a depreſſed nobility; and it muſt be confeſſed he is not very delicate in his means. There are, in truth, examples innumerable of excellent generals, admirals, judges, ambaſſadors, biſhops, and of all other officers and magiſtrates appointed by monarchs, abſolute as well as limited, and by hereditary ſenates; excellent appointments have been alſo made by popular aſſemblies: but candour muſt allow, that very weak, injudicious, and unfortunate choices have been ſometimes made by ſuch aſſemblies too. But the beſt appointments for a courſe of time have invariably been made in mixed governments. The "active emulation" in free ſtates is readily allowed; but it is not leſs active, leſs general, or leſs lofty, in deſign or action, in mixed governments than in ſimple ones, even ſimple democracies, or thoſe which approach neareſt to that deſcription: and the inſtances alledged from the Roman hiſtory are full proofs of this.

"During the vaſſalage of the Romans under "kings, we read not of any notable exploits, but "find them confined within a narrow compaſs; "oppreſſed at home, and ever and anon ready to "be

" be ſwallowed up by their enemies." It is really impoſſible to gueſs where this author learnt his hiſtory. The reigns of the kings are a complete confutation of his aſſertions. The vaſſalage was to the nobles, if to any body, under the kings. The kings were friends and fathers of the people in general. If the people were oppreſſed at home, it was by the patricians; but they appear to have been much leſs oppreſſed than they were under the ariſtocracy which ſucceeded the abolition of monarchy, as our author himſelf confeſſes. " But " when the people were made free, indeed, and " the people admitted into a ſhare and intereſt in " the government, as well as the great ones, then " it was that their power began to exceed the " bounds of Italy, and aſpire towards that pro- " digious empire." Was Rome ever a free ſtate, according to our author's idea of a free ſtate? Were the people ever governed by a ſucceſſion of ſovereign power in their aſſemblies? Was not the ſenate the real ſovereign, through all the changes, from Romulus to Julius Cæſar? When the tribunes were inſtituted, the people obtained a check upon the ſenate, but not a balance. The utmoſt that can with truth be ſaid is, that it was a mixed government compoſed of three powers; the monarchical in the kings or conſuls, the ariſtocratical in the ſenate, and the democratical in the people and their tribunes, with the principal ſhare and real ſovereignty in the ſenate. The mixture was unequal, and the balance inadequate; but it was this mixture, with all its imperfections, that " edged men's ſpirits with an active emulation, " and raiſed them to a lofty pitch of deſign and " action." It was in conſequence of this compoſition, that " their thoughts and power began to ex-

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"ceed the bounds of Italy, and aſpire towards "that prodigious empire." In ſuch a mixture, where the people have a ſhare, and "the road to "preferment lies plain to every man, no public "work is done, nor any conqueſt made, but every "man thinks he does and conquers for himſelf" in ſome degree. But this ſentiment is as vivid and active, ſurely, where the people have an equal ſhare with the ſenate, as where they have only an imperfect check by their tribunes. When our author advances, "that it was not alliance, nor "friendſhip, nor faction, nor riches, that could "advance men," he affirms more than can be proved from any period of the Roman or any other hiſtory. If he had contented himſelf with ſaying, that theſe were not excluſive or principal cauſes of advancement, it would have been as great a panegyric as any nation at any period has deſerved. Knowledge, valour, and virtue, were *often* preferred above them all; and, if we add, *generally*, it is as much as the truth will bear. Our author talks of a preference of virtuous poverty; but there was no moment in the Roman, or any other hiſtory, when poverty, however virtuous, was preferred for its own ſake. There have been times and countries when poverty was not an inſuperable objection to the employment of a man in the higheſt ſtations; but an abſolute love of poverty, and a preference of a man for that attribute alone, never exiſted out of the imaginations of enthuſiaſtic writers.

In the Roman ſtory, ſome few of their brave patriots and conquerors were men of ſmall fortune, and of ſo rare a temper of ſpirit, that they little cared to improve them, or enrich themſelves by their public employment. Some, indeed, were buried at the public charge. And perhaps this

race is not quite extinct; but the examples are ſo rare, that he who ſhall build his frame of government upon a preſumption that characters of this ſtamp will ariſe in ſucceſſion, in ſufficient numbers to preſerve the honour and liberty, and promote the proſperity of his people, will find himſelf miſtaken. "The time will come," ſaid a Roman ſenator, "when Hoſatii and Valerii will not be "found to forego their private fortunes for the ſake "of plebeian liberty." His prediction was fulfilled; and a ſimilar prophecy will be accompliſhed in every nation under heaven. The inſtances too of this kind, in the Roman hiſtory, are all of patricians and ſenators: we do not find one example of a popular tribune who was ſo in love with poverty. Cincinnatus was a patrician, a ſenator of a ſplendid family and no mean fortune, until his ſon Cæſo was proſecuted, and obliged to fly from his bail. The father had too noble and ſublime a ſpirit to let the bail be ruined, and ſold his fortune to pay the forfeiture: when this was done, he had only four or ſix acres left. But who was it that made him dictator? Not the people, nor the tribunes, but the ſenate, that very ſtanding power againſt which our author's whole book is written: by no means by a ſucceſſive ſovereignty of the people's repreſentatives, which our author all along contends for. Had the appointment of a dictator at that time lain with the people, moſt probably a richer man would have had the preference. He behaved with ſo much magnanimity, integrity, and wiſdom, that he ſubdued the enemy, and quitted his authority with all willingneſs, and returned to painful private life. This example is a good argument for a mixed government, and for a ſenate as an eſſential part of it; but no argument for a ſucceſſive ſovereignty

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in the people's repreſentatives. Gracchus, Marius, Sylla, and Cæſar, whoſe elevation to power was by the people, in oppoſition to the ſenate, did not exhibit ſuch moderation and contentment. —Our author's other examples of Lucius Tarquin, and Attilius Regulus, by no means prove ſuch diſintereſted and magnanimous virtue to be ordinary in that ſtate, nor Lucius Paulus Æmilius. Lucius Tarquin, or Lucius Tarquinius Collatinus, was not only a patrician and a ſenator, but of the royal family, and therefore by no means an example to ſhow what the conduct of a general, or other officer or magiſtrate, will be, who ſhall be appointed by a majority of the people's ſucceſſive annual repreſentatives. He was the huſband of Lucretia, whoſe blood had expelled the king. It was in an aſſembly of the centuries, where the ſenate were all powerful, that he was appointed conſul with Brutus. Valerius was the favourite of the plebeians. Collatia had been given by the king to Ancus Tarquin, becauſe he had no eſtate; and from thence the family were called Collatinæ. At the ſiege of Ardea the frolic commenced between Collatinus and the other young Tarquins, over wine, which ended in the viſit to their wives, which proved at firſt ſo honourable to the domeſtic virtues of Lucretia, and afterwards ſo fatal to her life; it occaſioned alſo the expulſion of kings, and inſtitution of conſuls. Brutus and Collatinus were created conſuls, but by whom? By the people, it is true, but it was in their aſſembly by centuries; ſo that it was the ſenate and patricians who decided the vote. If the people in their tribes, or by their ſucceſſive repreſentatives, had made the election, Collatinus would not have been choſen, but Valerius, who expected it, and had moſt contributed, next to Brutus, to the

the revolution. And, by the way, we may obſerve here, that an averſion to public honours and offices by no means appears in the behaviour of the virtuous and popular Valerius. His deſire of the office of conſul was ſo ardent, that his diſappointment and chagrin induced him, in a ſullen ill-humour, to withdraw from the ſenate and the forum, and renounce public affairs; which ſo alarmed the people, that they dreaded his reconciliation and coalition with the exiled family. He ſoon removed his jealouſy, by taking the oath by which Brutus wanted to bind the ſenate againſt kings and kingly government. All the art of the patricians, with Brutus at their head, was now exerted, to intoxicate the people with ſuperſtition. Sacrifices and ceremonies were introduced, and the conſuls approaching the altar, ſwore, for themſelves, their children, and all poſterity, never to recal Tarquin or his ſons, or any of his family; that the Romans ſhould never more be governed by kings; that thoſe who ſhould attempt to reſtore monarchy ſhould be devoted to the infernal gods, and condemned to the moſt cruel torments: and an abhorrence of royalty became the predominant character of the Romans, to ſuch a degree, that they could never bear the *name* of king, even when, under the emperors, they admitted much more than the *thing* in an unlimited deſpotiſm. But is the cauſe of liberty, are the rights of mankind, to ſtand for ever on no better a foundation than a blind ſuperſtition, and a popular prejudice againſt a word, a mere name? It was really no more in this caſe: for even Brutus himſelf intended that the conſuls ſhould have all the power of the kings; and it was only againſt a family and a name that he declared war. If nations and people cannot be brought to a more rational way of thinking, and to judge of

of things, inſtead of being intoxicated with prejudice and ſuperſtition againſt words, it cannot be expected that truth, virtue, or liberty, will have much chance in the eſtabliſhment of governments. The monarchical and ariſtocratical portions of ſociety will for ever underſtand better how to operate on the ſuperſtition, the prejudices, paſſions, fancies, and ſenſes of the people, than the democratical, and therefore will for ever worm out liberty, if ſhe has no other reſource.

Tarquin, by his ambaſſadors, ſolicited at leaſt the reſtoration of his property. Brutus oppoſed it. Collatinus, the other conſul, advocated the demand of his royal baniſhed couſin. The ſenate was divided: the queſtion was referred to the people aſſembled by centuries. The two conſuls zealouſly ſupported their different opinions. Collatinus prevailed by one vote. Tarquin's ambaſſadors rejoice and intrigue. A conſpiracy was formed, in which a great part of the young nobility was concerned: two of the Vitellii, ſons of Collatinus's ſiſter, and brothers of Brutus's wife; two of the Aquilii, ſons of another ſiſter of Collatinus, as well as two of Brutus's ſons, were engaged in it. When the conſpiracy was diſcovered, Brutus alone was inexorable. Callatinus endeavoured to ſave his nephews.—Collatinus, as the huſband of Lucretia, appears to have been actuated by reſentment againſt the perſon of Tarquin, but not to have been very hearty in the expulſion of the family, or the abolition of monarchy. His warmly contending for the reſtitution of Tarquin's effects, and his averſion to the condemnation of the conſpirators, completed his ruin with Brutus. He aſſembled the people, and was very ſorry that the Roman people did not think their liberties ſafe while they ſaw the name and blood of Tarquin not only ſafe in Rome, but veſted with ſovereign

vereign power, and a dangerous obſtacle to liberty. Collatinus was amazed at ſuch a ſpeech, and prepared to defend himſelf from this attack; but finding his father-in-law Spurius Lucretius join Brutus, and other principal men, in perſuading him, and fearing that he ſhould be forced into baniſhment, with the confiſcation of his eſtate, he abdicated the conſulſhip, and retired to Lavinium: but he carried all his effects with him, and twenty talents, or £.3,875 ſterling, to which Brutus added five talents more, a moſt enormous ſum, if we conſider the univerſal poverty of that age, and the high value of money.—Is it poſſible to find, in this character and conduct of Collatinus, ſuch diſintereſted and magnanimous virtue as our author ſpeaks of? Is this an example to prove that diſintereſted virtue was frequent in that ſtate? He muſt have been dead to every manly feeling, if he had not reſented the rape and death of his wife. He did not retire but to avoid baniſhment; nor was he contented without his whole eſtate, and a ſplendid addition to it: ſo that there is ſcarcely a character or anecdote in hiſtory leſs to our author's purpoſe in any point of view.

There is an extravagance in many popular writers in favour of republican governments, which injures much oftener than it ſerves the cauſe of liberty. Such is that of our author, when he cites the example of Regulus. Let us firſt remember, however, that Regulus was a patrician and a ſenator, and that he was appointed to his command, and continued in it, by the ſenate; and therefore, inſtead of being an example in honour of a ſimple or a repreſentative democracy, it operates in favour of an ariſtocracy, or at moſt in favour of a mixed government, in which an ariſtocracy has one full third part. Regulus had been in a courſe

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of victory, which the ſenate would not interrupt, and therefore continued him in the command of the army. He wrote to the ſenate to complain of it. The glory of it to himſelf, the advantage to the public, was not reward enough for him. He demanded a ſucceſſor; and what was his reaſon? A thief had ſtolen his tools of huſbandry uſed in manuring; his tenant was dead, and his preſence was abſolutely neceſſary to prevent his wife and children from ſtarving. Is it poſſible to read this without laughter and indignation; laughter at the folly of that government which made ſo poor a proviſion for its generals, and indignation at the ſordid avarice of that ſenate and people, who could require a threat of reſignation from the conquerer of Carthage to induce them to provide for his wife and children. The ſenate decreed that his field ſhould be cultivated at the public expence, that his working tools ſhould be replaced, and his wife and children provided for. Then, indeed, Regulus's averſion to the ſervice was removed: to ſuch ſordid condeſcenſions to the prejudices and the meanneſs of the ſtingy and envious parts of the community are ſuch exalted ſouls as that of Regulus obliged ſometimes to ſubmit; but the eternal panegyrics of republican writers, as they call themſelves, will never reconcile mankind to any thing ſo ridiculous and contemptible. The labourer is worthy of his hire: he who labours for the public ſhould live by the public, as much as he who preaches the goſpel ſhould live by the goſpel; and theſe maxims of equity are approved by all the generous part of mankind. And the people whoſe heads are turned with contracted notions of a contrary nature, will for ever be the dupes of the deſigning; for where

where you will find a ſingle Regulus, you will find ten thouſand Cæſars.

The example of Paulus Æmilius is equally hoſtile to our author's ſyſtem, and equally friendly to that which we contend for. The firſt conſul of that name, the conqueror of Illyricum, in 533, although he returned to Rome in triumph, yet, at the expiration of his office he was cited before the people, in their tribes, and accuſed of having converted part of the ſpoils to his own uſe. Æmilius had great difficulty to eſcape the condemnation which his colleague ſuffered. This great patrician and conſul commanded, and was killed at the battle of Cannæ. His ſon, of the ſame name, whoſe ſiſter Æmilia was married to the great Scipio, diſtinguiſhed himſelf by avoiding thoſe intrigues, ſolicitations, careſſes, and other artifices, practiſed by moſt candidates, even at this time, 562. His pains were employed to make himſelf eſteemed by valour, juſtice, and ardor in his duty, in which he ſurpaſſed all the young men of his age. He carried the ædileſhip againſt ten competitors, every one of whom was ſo diſtinguiſhed by birth and merit, as afterwards to obtain the conſulſhip. By his wife Papiria he had two ſons, whom he procured to be adopted into the moſt illuſtrious houſes in Rome; the eldeſt by Fabius Maximus, five times conſul and dictator; the younger by a ſon of Scipio Africanus. His two daughters he married, one to a ſon of Cato the Cenſor, and the other to Tubero. In 563 he gained a complete victory over the Luſitanians, in which he killed them eighteen thouſand men, and took their camp, with thirteen hundred priſoners. In the offices of ædile, and of augur, he excelled all his contemporaries in the knowledge and practice of his duty; and military diſcipline

diſcipline he carried to greater perfection than had ever been known: nevertheleſs, when he ſtood for any office, even in theſe virtuous times, there was always an oppoſition; and he could not obtain the conſulſhip till after he had ſuffered ſeveral repulſes. Why? Becauſe his virtue was too ſevere; not for the ſenate, but the people; and becauſe he would not flatter and bribe the people. Before the end of the year of his firſt conſulate he fought the Ligurians, and gained a complete victory over them, killing more than fifteen thouſand men, and making near three thouſand priſoners, and returned to Rome in triumph: yet with all this merit, when he ſtood candidate, ſome years after, for the conſulate, the people rejected him; upon this he retired to educate his children. He was frugal in every thing of private luxury, but magnificent in expences of public duty. Grammarians, rhetoricians, philoſophers, ſculptors, painters, equerries, hunters, were procured for the inſtruction of his children. While he was thus employed in private life, in 583, fourteen years after his firſt conſulſhip, the affairs of the republic were ignorantly conducted, and the Macedonians, with Perſeus at their head, gained great advantages againſt them. People were not ſatisfied with the conduct of the conſuls of late years, and began to ſay, that the Roman name was not ſupported. The cry was, that the command of armies muſt no longer be biven to faction and favour. The ſingular merit of Æmilius, his ſplendid ſervices, the confidence which the troops had in his capacity, and the urgent neceſſity of the times for his wiſdom and firmneſs, turned all eyes upon him. All his relations, and the ſenators in general, urged him to ſtand candidate. He had already experienced ſo much ingratitude, injuſtice,

and caprice, that he ſhunned the preſent ardor, and choſe to continue in private life. That very people who had ſo often ill uſed him, and rejected him, now crowded before his door, and inſiſted on his going to the forum; and his preſence there was univerſally conſidered as a ſure preſage of victory, and he was unanimouſly elected conſul, and appointed commander in Macedonia. He conquered Perſeus and his Macedonian phalanx, and in the battle he formed Fabius's and Scipios to be the glory and triumph of his country after him. He plundered the immenſe wealth of Macedonia and Epirus: he plundered ſeventy cities, and demoliſhed their walls. The ſpoils were ſold, and each ſoldier had two hundred denarii, and each of the horſe four. The ſoldiers and common people, it ſeems, had little of that diſintereſtedneſs for which Æmilius was remarkable. They were ſo offended at their general for giving ſo little of the booty to them, and reſerving ſo much to the public treaſury, that they raiſed a great cry and oppoſition againſt his triumph; and Galba, the ſoldiers, and their friends among the plebeians, were determined to teach the great men, the conſuls, generals, &c. to be leſs public-ſpirited—to defraud the treaſury of its wealth, and beſtow it upon them: they accordingly oppoſed the triumph of this great and diſintereſted general, and the firſt tribes abſolutely rejected it. —Who, upon this occaſion, ſaved the honour, juſtice, and dignity of the republic? Not the plebeians, but the ſenators. The ſenators were highly enraged at this infamous injuſtice and ingratitude, and this daring effort of popular licentiouſneſs and avarice, and were obliged to make a noiſe, and excite a tumult. Servilius, too, who had been conſul, and had killed three and twenty ene-

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mies who has challanged him in ſingle combat, made a long ſpeech, in which he ſhewed the baſeneſs of their conduct in ſo ſtriking a light, that he made the people aſhamed of themſelves; and at length they conſented to the triumph, but to all appearance more from a deſire to ſee the ſhow of Perſeus laden with chains, led through the city before the chariot of the victor, than from any honeſt and public-ſpirited deſign to reward merit. The ſum which he cauſed to be carried into the public treaſury on the day of the triumph was one million three hundred thouſand pounds ſterling, and cauſed the taxes of the Roman people to be aboliſhed. At his death, after the ſale of part of his ſlaves, moveables, and ſome farms, to pay his wife's dower, the remainder of his fortune was but nine thouſand three hundred and ſeventy-five pounds ſterling. As he was deſcended from one of the moſt noble and ancient houſes of Rome, illuſtrious by the higheſt dignities, the ſmallneſs of his fortune reflects honour on his anceſtors as well as on himſelf. The love of ſimplicity was ſtill ſupported in ſome of the great families, by extreme care not to ally themſelves with luxurious ones; and Æmilius choſe Tubero, of the family of Ælii, whoſe firſt piece of plate was a ſilver cup of five pounds weight, given him by his father-in-law. Theſe few families ſtemmed the torrent of popular avarice and extravagance.

Let us now conſider what would have been the fate of Æmilius, if Rome had been governed at this time by Nedham's ſucceſſion of the people's repreſentatives, unchecked by the ſenate. It is plain he muſt have given into the common practice of flattering, careſſing, ſoothing, bribing, and cajoling the people, or never have been conſul, never commanded

commanded armies, never triumphed. An example more deſtructive of our author's ſyſtem can ſcarcely be found, and yet he has the inadvertence at leaſt to adduce it in ſupport of his Right Conſtitution of a Commonwealth. It has been neceſſary to quote theſe anecdotes at ſome length, that we may not be deceived by a ſpecious ſhow, which is deſtitute of ſubſtance, truth and fact, to ſupport it.

But how come all theſe examples to be patricians and ſenators, and not one inſtance to be found of a plebeian commander who did not make a different uſe of his power ?

There is a ſtrange confuſion or perverſion in what follows: "Rome never thrived until it was "ſettled in a freedom of the people." 'Rome never was ſettled in a freedom of the people ; meaning in a free ſtate, according to our authors definition of it, a ſucceſſion of the ſupreme authority in the people's repreſentatives. Such an idea never exiſted in the Roman commonwealth, not even when or before the people made Cæſar a perpetual dictator. Rome never greatly proſpered until the people obtained a ſmall mixture of authority, a ſlight check upon the ſenate, by their tribunes. This, therefore, is proof in favour of the mixture, and againſt the ſyſtem of our author.

"Freedom was beſt preſerved, and intereſt "beſt advanced, when all places of honour and "truſt were expoſed to men of merit, without "diſtinction." True, but this never happened till the mixture took place.

"This happineſs could never be obtained, until "the people were inſtated in a capacity of pre-"ferring whom they thought worthy, by a free-"dom of electing men ſucceſſively into their ſu-

"preme

" preme offices and aſſemblies." What is meant here by ſupreme offices? There were none in Rome but the dictators, and they were appointed by the ſenate, at leaſt until Marius annihilated the ſenate, by making the tribes omnipotent. Conſuls could not be called ſupreme officers in any ſenſe.—What is meant by ſupreme aſſemblies? There were none but the ſenate. The Roman people never had the power of electing a repreſentative aſſembly.—" So long as this cuſtom continued, " and merit took place, the people made ſhift to " keep and increaſe their liberties." This cuſtom never took place, and, ſtrictly ſpeaking, the Roman people never enjoyed liberty. The ſenate was ſovereign till the people ſet up a perpetual dictator.

" When this cuſtom lay neglected, and the " ſtream of preferment began to run along with " the favour and pleaſure of particular powerful " men, then vice and compliance making way " for advancement, the people could keep their " liberties no longer; but both their liberties " and themſelves were made the price of every " man's ambition and luxury." But when was this? Preciſely when the people began, and in proportion as they approached to, an equality of power with the ſenate, and to that ſtate of things which our author contends for; ſo that the whole force of his reaſoning and examples, when they come to be analyzed, conclude againſt him.

The eighth reaſon, why the people in their aſſemblies are the beſt keepers of their liberty, is, " becauſe it is they only that are concerned in " the point of liberty."—It is agreed that the people in their aſſemblies, tempered by another coequal

coequal aſſembly, and an executive coequal with either, are the beſt keepers of their liberties. But it is denied that in one aſſembly, collective or repreſentative, they are the beſt keepers: it may be reaſonably queſtioned, whether they are not the worſt; becauſe they are as ſure to throw away their liberties, as a monarch or a ſenate untempered are to take them; with this additional evil, that they throw away their morals at the ſame time; whereas monarchs and ſenates ſometimes by ſeverity preſerve them in ſome degree. In a ſimple democracy, the firſt citizen, and the better ſort of citizens, are part of the people, and are equally "concerned" with any others "in the point of "liberty." But is it clear that in other forms of government "the main intereſt and concern-"ment, both of kings and gradees, lies either in "keeping the people in utter ignorance what li-"berty is, or elſe in allowing and pleaſing them "only with the name and ſhadow of liberty in-"ſtead of the ſubſtance?" It is very true that knowledge is very apt to make people uneaſy under an arbitrary and oppreſſive government: but a ſimple monarch, or a ſovereign ſenate, which is not arbitrary and oppreſſive though abſolute, if ſuch caſes can exiſt, would be intereſted to promote the knowledge of the nation. It muſt, however, be admitted, that ſimple governments will rarely if ever favour the diſperſion of knowledge among the middle and lower ranks of people. But this is equally true of ſimple democracy: the people themſelves, if uncontrouled, will never long tolerate a freedom of inquiry, debate, or writing; their idols muſt not be reflected on, nor their ſchemes and actions ſcanned, upon pain of popular vengeance, which is not leſs terrible than that of deſpots or ſovereign ſenators.

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"In free ſtates, the people being ſenſible of "their paſt condition in former times under the "power of great ones, and comparing it with the "poſſibilities and enjoyments of the preſent, be-"come immediately inſtructed, that their main "intereſt and concernment conſiſts in liberty; "and are taught by common ſenſe, that the only "way to ſecure it from the reach of great ones, "is to place it in the people's hands, adorned "with all the prerogatives and rights of ſupre-"macy." It is very true that the main intereſt and concernment of the people is liberty. If their liberties are well ſecured they may be happy if they will; and they generally, perhaps always, are ſo. The way to ſecure liberty is to place it in the people's hands, that is, to give them a power at all times to defend it in the legiſlature and in the courts of juſtice: but to give the people, uncontrouled, all the prerogatives and rights of ſupremacy, meaning the whole executive and judicial power, or even the whole undivided legiſlative, is not the way to preſerve liberty. In ſuch a government it is often as great a crime to oppoſe or decry a popular demagogue, or any of his principal friends, as in a ſimple monarchy to oppoſe a king, or in a ſimple ariſtocracy the ſenators: the people will not bear a contemptuous look or diſreſpectful word; nay, if the ſtyle of your homage, flattery, and adoration, is not as hyperbolical as the popular enthuſiaſm dictates, it is conſtrued into diſaffection; the popular cry of envy, jealouſy, ſuſpicious temper, vanity, arrogance, pride, ambition, impatience of a ſuperior, is ſet up againſt a man, and the rage and fury of an ungoverned rabble, ſtimulated underhand by the demagogick deſpots, breaks out into every kind of inſult, obloquy, and outrage, often ending

ending in murders and maſſacres, like thoſe of the De Witts, more horrible than any that the annals of deſpotiſm can produce.

It is indeed true, that "the intereſt of freedom "is a virgin that every one ſeeks to deflour; and "like a virgin it muſt be kept, or elſe (ſo great is "the luſt of mankind after dominion) there fol- "lows a rape upon the firſt opportunity." From this it follows, that liberty in the legiſlature is "more ſecure in the people's hands than in any "other, becauſe they are moſt concerned in it:"— provided you keep the executive power out of their hands entirely, and give the property and liberty of the rich a ſecurity in the ſenate, againſt the encroachments of the poor in a popular aſſembly. Without this the rich will never enjoy any liberty, property, reputation, or life, in ſecurity. The rich have as clear a right to their liberty and property as the poor: it is eſſential to liberty that the rights of the rich be ſecured; if they are not, they will ſoon be robbed and become poor, and in their turn rob their robbers, and thus neither the liberty or property of any will be regarded.

"The careful attention to liberty makes the "people both jealous and zealous, keeping a con- "ſtant guard againſt the attempts and encroach- "ments of any powerful or crafty underminers." But this is true only while they are made a diſtinct body from the executive power, and the moſt conſpicuous citizens mingle all together, and a ſcramble inſtantly commences for the loaves and fiſhes, abolition of debts, ſhutting up courts of juſtice, diviſions of property, &c. Is it not an inſult to common ſenſe, for a people with the ſame breath to cry *liberty*, an *abolition of debts*, and *diviſion of goods?* If debts are once aboliſhed, and goods are divided, there will be the ſame reaſon for a freſh abolition

abolition and diviſion every month and every day: and thus the idle, vicious, and abandoned, will live in conſtant riot on the ſpoils of the induſtrious, virtuous, and deſerving. "Powerful and crafty underminers have no where ſuch rare ſport" as in a ſimple democracy, or ſimgle popular aſſembly. No where, not in the completeſt deſpotiſms, does human nature ſhow itſelf ſo completely depraved, ſo nearly approaching an equal mixture of brutality and deviliſm, as in the laſt ſtages of ſuch a democracy, and in the beginning of that deſpotiſm that always ſucceeds it.

"A people having once taſted the ſweets of "freedom, are ſo affected with it, that if they diſ-"cover or ſuſpect the leaſt deſign to encroach "upon it, they count it a crime never to be for-"given." Strange perverſion of truth and fact! This is ſo far from the truth, that our author himſelf is not able to produce a ſingle inſtance of it as a proof or illuſtration. Inſtead of adducing an example of it from a ſimple democracy, he is obliged to have recourſe to an example that operates ſtrongly againſt him, becauſe taken from an ariſtocracy. In the Roman ſtate, one gave up his children, another his brother to death, to revenge an attempt againſt common liberty. Was Brutus a man of the people? Was Brutus for a government of the people in their ſovereign aſſemblies? Was not Brutus a patrician? Did he not think patricians a different order of beings from plebeians? Did he not erect a ſimple ariſtocracy? Did he not ſacrifice his ſons to preſerve that ariſtocracy? Is it not equally probable that he would have ſacrificed them to preſerve his ariſtocracy from any attempt to ſet up ſuch a government as our author contends for, or even againſt any attempt to have given the plebeians a ſhare

in the government; nay, againſt any attempt to erect the office of tribunes at that time?—"Di-"vers ſacrificed their lives to preſerve it." To preſerve what? The ſtanding government of grandees, againſt which our author's whole book is written. "Some ſacrificed their beſt friends to vindicate "it, upon bare ſuſpicion, as in the caſe of Melius "and Manlius." To vindicate what? Liberty? popular liberty? Plebeian liberty? Preciſely the contrary. Theſe characters were murdered for daring to be friends to popular liberty; for daring to think of limiting the power of the grandees, by introducing a ſhare of popular authority, and a mixed conſtitution; and the people themſelves were ſo far from the zeal, jealouſy, and love of liberty, that our author aſcribes to them, that they ſuffered their own authority to be proſtituted before their eyes, to the deſtruction of the only friends they had, and to the eſtabliſhment of their enemies, and a form of government by grandees, under which they had no liberty, and in which they had no ſhare.—Our author then cites examples of revenge in Greece. 1656 was a late age in the hiſtory of philoſophy, as well as morality and religion, for any writer to preach revenge as a duty and a virtue: reaſon and philanthropy, as well as religion, pronounce it a weakneſs and a vice in all poſſible caſes. Examples enough of it, however, may be found in all revolutions: but monarchies and ariſtocracies have practiſed it, and therefore the virtue of revenge is not peculiar to our author's plan. In Corcyra itſelf the people were maſſacred by the grandees as often as they maſſacred the grandees: and of all kinds of ſpirits that we read of, out of hell, this is the laſt that an enlightened friend of liberty would philoſophically inculcate. Let legal liberty vindicate itſelf

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by legal puniſhments and moral meaſures; but mobs and maſſacres are the diſgrace of her ſacred cauſe ſtill more than of that of humanity.

Florence too, and Coſmus*, are quoted, and the alternatives of treachery, revenge, and cruelty; all ariſing, as they did in Greece, from the want of a proper diviſion of authority and an equal balance. Let any one read the hiſtory of the firſt Coſimo, his wiſdom, virtues, and unbounded popularity, and then conſider what would have been the conſequence if Florence, at that period, had been governed by our author's plan of ſucceſſive ſingle aſſemblies, choſen by the people annually. It is plain that the people would have choſen ſuch, and ſuch only, for repreſentatives as Coſimo and his friends would have recommended: at leaſt a vaſt majority of them would have been his followers, and he would have been abſolute. It was the ariſtocracy and the forms of the old conſtitution that alone ſerved as a check upon him. The ſpeech of Uzzano muſt convince you, that the people were more ready to make him abſolute that ever the Romans were to make Cæſar a perpetual dictator. He confeſſes that Coſimo was followed by the whole body of the plebeians, and by one half of the nobles: that if Coſimo was not made maſter of the commonwealth, Rinaldo would be, whom he dreaded much more. In truth, the government at this time was in reality become monarchical, and that ill-digeſted ariſtocracy, which they called a popular ſtate, exiſted only in form; and the perſecution of Coſimo only ſerved to explain the ſecret. Will it be denied that a nation has a right to chooſe a government for themſelves? The queſtion really was no more than this, whether Rinaldo or Coſimo ſhould be maſter. The

* See vol. ii. p. 94.

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nation declared for Coſimo, reverſed that baniſhment into which he had been very unjuſtly ſent by Rinaldo, demanded his return, and voted him the father of his country. This alone is full proof, that if the people had been the keepers of their own liberties, in their ſucceſſive aſſemblies, they would have given them all to Coſimo; whereas, had there been an equal mixture of monarchy, ariſtocracy, and democracy, in that conſtitution, the nobles and commons would have united againſt Coſimo the moment he attempted to overleap the boundaries of his legal authority. Uzzano confeſſes, that unleſs charity, liberality, and beneficence, were crimes, Coſimo was guilty of no offence, and that there was as much to apprehend from his own party as from the other, in the point of liberty. All the ſubſequent attempts of Rinaldo to put Coſimo to death and to baniſh him were unqualified tyranny. He ſaved his life, it is true, by a bribe, but what kind of patrons of liberty were theſe who would betray it for a bribe? His recall and return from baniſhment ſeems to have been the general voice of the nation, expreſſed, according to the forms and ſpirit of the preſent conſtitution, without any appearance of ſuch treachery as our author ſuggeſts. Whether Nedham knew the real hiſtory of Florence is very problematical; all his examples from it are ſo unfortunate as to be concluſive againſt his project of a government*. The real eſſence of the government in Florence had been, for the greateſt part of fifty years, a monarchy, in the hands of Uzzino and Naſo, according to Machiavel's own account; its form an ariſtocracy, and its name a popular ſtate: nothing of the

* See vol. ii, p. 96, 97, 98, 99.

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eſſence was changed by the reſtoration of Coſimo: the form and name only underwent an alteration.—Holſtein too is introduced, merely to make a ſtory for the amuſement of a drunken mob. "Here is a health to the remembrance of our li-"berty," ſaid the "booriſh, poor, ſilly genera-"tion," ſeventy years after they were made a duchy. Many hogſheads of ale and porter, I doubt not, were drank in England in conſequence of this Holſtein ſtory; and that was all the effect it could have towards ſupporting our author's argument.

"How deep ſoever the impreſſion may be, that "is made by the love of liberty upon the minds "of the people, it will not follow that they alone "are the beſt keepers of their own liberties, "being more tender and more concerned in their "ſecurity than any powerful pretenders whatſo-"ever." Are not the ſenators, whether they be hereditary or elective, under the influence of powerful motives to be tender and concerned for the ſecurity of liberty? Every ſenator, who conſults his reaſon, knows that his own liberty, and that of his poſterity, muſt depend upon the conſtitution which preſerves it to others. What greater refuge can a nation have, than in a council, in which the national maxims, and the ſpirit and genius of the ſtate, are preſerved by a living tradition? What ſtronger motive to virtue, and to the preſervation of liberty, can the human mind perceive, next to thoſe of rewards and puniſhments in a future life, than the recollection of a long line of anceſtors who have ſat within the walls of the ſenate, and guided the councils, led the armies, commanded the fleets, and fought the battles of the people, by which the nation has been ſuſtained in its infant years, deſcended from dangers, and carried, through calamities, to wealth, grandeur, proſperity,

proſperity and glory? What inſtitution more uſeful can poſſibly exiſt, than a living repertory of all the hiſtory, knowledge, intereſts, and wiſdom of the commonwealth, and a living repreſentative of all the great characters whoſe prudence, wiſdom, and valour, are regiſtered in the hiſtory and recorded in the archieves of the country? If the people have the periodical choice of theſe, we may hope they will generally ſelect thoſe, among the moſt conſpicuous for fortune, family, and wealth, who are moſt ſignalized for virtue and wiſdom, which is more advantageous than to be confined to the eldeſt ſon, however defective, to the excluſion of younger ſons, however excellent, and to one family though decayed and depraved, to another more deſerving, as in hereditary ſenates: but that a ſenate, guarded from ambition, ſhould be objected to, by a friend of liberty and republican government, is very extraordinary. Let the people have a full ſhare, and a deciſive negative; and, with this impregnable barrier againſt the ambition of the ſenate on one ſide, and the executive power with an equal negative on the other, ſuch a council will be found the patron and guardian of liberty on many occaſions, when the giddy thoughtleſs multitude, and even their repreſentatives, would neglect, forget, or even deſpiſe and inſult it; inſtances of all which are not difficult to find.

The ninth reaſon is, "becauſe the people are "leſs luxurious than kings or grandees."—That may well be denied. Kings, nobles, and people, are all alike in this reſpect, and in general know no other bounds of indulgence than the capacity of enjoyment, and the power to gratify it. The problem ought to be to find a form of government beſt calculated to prevent the bad effects and corruption of luxury, when in the ordinary courſe

courſe of things, it muſt be expected to come in. Kings and nobles, if they are confeſſed to enjoy or indulge in luxury more than the commons, it is merely becauſe they have more means and opportunities; not becauſe they have ſtronger appetites, paſſions, and fancies, or, in other words a ſtronger propenſity to luxury than the plebeians. If it ſhould be conceded, that the paſſions and appetites ſtrengthen by indulgence, it muſt be confeſſed too, that they have more motives to reſtrain them; but in regard to mere animal gratification, it may well be denied that they indulge or enjoy more than the common people on an average. Eating and drinking ſurely is practiſed with as much ſatisfaction by the footman as his lord; and as much pleaſure may be taſted in gin, brandy, ale, and porter, as in Burgundy or Tockay; in beef and pudding, as in ortolans and jellies. If we conſider nations together, we ſhall find that intemperance and acceſs is more indulged in the loweſt ranks than in the higheſt. The luxury of dreſs, beyond the defence from the weather, is a mere matter of politics and etiquette throughout all the ranks of life; and, in the higher ranks, riſes only in proportion as it riſes in the middle and the loweſt. The ſame is true of furniture and equipage, after the ordinary conveniences and accommodations of life. Thoſe who claim or aſpire to the higheſt ranks of life, will eternally go a certain degree above thoſe below them in theſe particulars, if their incomes will allow it. Conſideration is attainable by appearance, and ever will be; and it may be depended on, that rich men in general will not ſuffer others to be conſidered more than themſelves, or as much, if they can prevent it by their riches. The poor and the middle ranks, then, have it in their power to diminiſh

diminiſh luxury as much as the great and rich have. Let the middle and lower ranks leſſon their ſtyle of living, and they may depend upon it the higher ranks will leſſen theirs. It is commonly ſaid every thing is regis ad exemplum; that the lower ranks imitate the higher; and it is true: but it is equally true that the higher imitate the lower. The higher ranks will never exceed their inferiors but in a certain proportion; but *the diſtinction* they are abſolutely obliged to keep up, or fall into contempt and ridicule. It may gratify vulgar malignity and popular envy, to declaim eternally againſt the rich and the great, the noble and the high; but, generally and philoſophically ſpeaking, the manners and characters in a nation are all alike: the loweſt and the middling people, in general, grow vicious, vain, and luxurious, exactly in proportion. As to appearance, the higher ſort are obliged to raiſe theirs in proportion as the ſtories below aſcend. A free people are the moſt addicted to luxury of any: that equality which they enjoy, and in which they glory, inſpires them with ſentiments which hurry them into luxury. A citizen perceives his fellow-citizen, whom he holds his equal, have a better coat or hat, a better houſe or horſe, than himſelf, and ſees his neighbours are ſtruck with it, talk of it, and reſpect him for it; he cannot bear it; he muſt and will be upon a level with him. Such an emulation as this takes place in every neighbourhood, in every family; among artiſans, huſbandmen, labourers, as much as between dukes and marquiſſes, and more—theſe are all nearly equal in dreſs, and are now diſtinguiſhed by other marks. Declamations, oratory, poetry, ſermons, againſt luxury, riches, and commerce, will never have much effect: the moſt rigorous

rigorous ſumptuary laws will have little more.—"Diſcordia et avaritia, atque ambitio, et cetera "ſecundis rebus oriri ſueta mala, poſt Carthaginis "excidium maxumè aucta ſunt. Ex quo tem-"pore majorum mores, non paulatim ut antea, "ſed torrentis modo præcipitati." Salluſt. in Frag.—In the late war, the Americans found an unuſual quantity of money flow in upon them, and, without the leaſt degree of prudence, foreſight, conſideration, or meaſure, ruſhed headlong into a greater degree of luxury than ought to have crept in, in an hundred years. The Romans charged the ruin of their commonwealth to luxury: they might have charged it to the want of a balance in their conſtitution. In a country like America, where the means and opportunities for luxury are ſo eaſy and ſo plenty, it would be madneſs not to expect it, be prepared for it, and provide againſt the dangers of it in the conſtitution. The balance, in a triple-headed legiſlature, is the beſt and the only remedy. If we will not adopt that, we muſt ſuffer the puniſhment of our temerity. The ſupereminence of a threefold balance, above all the imperfect balances that were attempted in the ancient republics of Greece and Italy, and the modern ones of Switzerland and Holland, whether ariſtocratical or mixed, lies in this, that as it is capable of governing a great nation and large territory, whereas the others can only exiſt in ſmall ones, ſo it is capable of preſerving liberty among great degrees of wealth, luxury, diſſipation, and even profligacy of manners; whereas the others require the utmoſt frugality, ſimplicity, and moderation, to make human life tolerable under them.

"Where luxury takes place, there is a natural "tendency to tyranny." There is a natural ten-

dency to tyranny every where, in the ſimpleſt manners as well as the moſt luxurious, which nothing but force can ſtop. And why ſhould this tendency be taken from human nature, where it grows as in its native ſoil, and attributed to luxury? "the nature of luxury lies altogether "in exceſs. It is an univerſal depravation of man-"ners, without reaſon, without moderation: it is "the canine appetite of a corrupt will and phan-"taſy, which nothing can ſatisfy; but in every "action, in every imagination, it flies beyond the "bounds of honeſty, juſt and good, into all ex-"tremity." This is declamation and rant that it is not eaſy to comprehend. There are all poſſible degrees of luxury which appear in ſociety, with every degree of virtue, from the firſt dawnings of civilization to the laſt ſtage of improvement and refinement; and civility, humanity, and benevolence, increaſe commonly as faſt as ambition of conqueſt, the pride of war, cruelty, and bloody rage, diminiſhes. Luxury, to certain degrees of exceſs, is an evil; but it is not at all times, and in all circumſtances, an abſolute evil. It ſhould be reſtrained by morality and by law, by prohibitions and diſcouragements. But the evil does not lie here only; it lies in human nature; and that muſt be reſtrained by a mixed form of government, which is the beſt in the world to manage luxury. Our author's government would never make, or, if it made, it never would execute laws to reſtrain luxury.

"That form of government," ſays our author, "muſt needs be the moſt excellent, and the peo-"ple's liberty moſt ſecured, where governors are "leaſt expoſed to the baits and ſnares of luxury." That is to ſay, that form of government is the beſt, and the people's liberty moſt ſecure where the

the people are pooreſt: this will never recommend a government to mankind. But what has poverty or riches to do with the form of government? If mankind muſt be voluntarily poor in order to be free, it is too late in the age of the world to preach liberty. Whatever Nedham might think, mankind in general had rather be rich under a ſimple monarchy, than poor under a democracy. But if that is the beſt form of government, where governors are leaſt expoſed to the baits and ſnares of luxury, the government our author contends for is the worſt of all poſſible forms. There is, there can be no form in which the governors are ſo much expoſed to the baits and ſnares of luxury as in a ſimple democracy. In proportion as a government is democratical, in a degree beyond a proportional prevalence of monarchy and ariſtocracy, the wealth, means, and opportunities being the ſame, does luxury prevail. Its progreſs is inſtantaneous. There can be no ſubordination. One citizen cannot bear that another ſhould live better than himſelf; a univerſal emulation in luxury inſtantly commences; and the governors, that is, thoſe who aſpire at elections, are obliged to take the lead in this ſilly contention: they muſt not be behind the foremoſt in dreſs, equipage, furniture, entertainments, games, races, ſpectacles; they muſt feaſt and gratify the luxury of electors to obtain their votes; and the whole executive authority muſt be proſtituted, and the legiſlative too, to encourage luxury. The Athenians made it death for any one to propoſe the appropriation of money devoted to the ſupport of the theatre to any the moſt neceſſary purpoſes of the ſtate. In monarchies and ariſtocracies much may be done, both by precept and example, by laws and manners to diminiſh luxury

and

and reſtrain its growth; in a mixed government more ſtill may be done for this ſalutary end; but in a ſimple democracy, nothing: every man will do as he pleaſes—no ſumptuary law will be obeyed—every prohibition or impoſt will be eluded; no man will dare to propoſe a law by which the pleaſures or the liberty of the citizen ſhall be reſtrained. A more unfortunate argument for a ſimple democracy could not have been thought of: it is, however, a very good one in favour of a mixed government.

Our author is no where ſo weak as in this reaſon, or under this head. He attempts to prove his point by reaſon and examples, but is equally unfortunate in both. Firſt, by reaſon. "The "people," ſays he, "muſt be leſs luxurious than "kings, or great ones, becauſe they are bounded "within a more lowly pitch of deſire and ima-"gination: give them but panem et circenſes, "bread, ſport, and eaſe, and they are abundantly "ſatisfied." It is to be feared that this is too good a character for any people living, or that have lived. The diſpoſition to luxury is the ſame, though the habit is not, both in plebeians, patricians, and kings. When we ſay their deſires are bounded, we admit the deſires to exiſt. Imagination is as quick in one as in the other. It is demanding a great deal, to demand "bread, and "ſports, and eaſe." No one can tell how far theſe terms may extend. If by bread is meant a ſubſiſtence, a maintenance in food and clothing, it will mount up very high; if by ſports be meant cock-fighting, horſe-racing, theatrical repreſentations, and all the ſpecies of cards, dice, and gambling, no mortal philoſopher can fathom the depth of this article; and if with "bread" and "ſport" they are to have "eaſe" too, and by eaſe be

be meant idleneſs, an exemption from care and labour, all three together will amount to as much as ever was demanded for nobles or kings, and more than ought ever to be granted to either. But let us grant all this for a moment; we ſhould be diſappointed; the promiſed "abundant ſa-"tisfaction would not be found. The bread muſt ſoon be of the fineſt wheat; poultry and gibbier muſt be added to beef and mutton; the entertainments would not be elegant enough after a time; more expence muſt be added: in ſhort, contentment is not in human nature; there is no paſſion, appetite, or affection for contentment. To amuſe and flatter the people with compliments of qualities that never exiſted in them, is not the duty nor the right of a philoſopher or legiſlator; he muſt form a true idea and judgment of mankind, and adapt his inſtitutions to facts, not compliments.

"The people have leſs means and opportuni-"ties for luxury than thoſe pompous ſtanding "powers, whether in the hands of one or many." But if the ſovereignty were exerciſed wholly by one popular aſſembly, they would then have the means and opportunities in their hands as much as the king has in a monarchy, or the ſenate in an ariſtocracy or oligarchy; and much more than either kings or nobles have in the triparite compoſition we contend for; becauſe in this the king and nobles have really no means or opportunities of luxury but what are freely given them by the people, whoſe repreſentatives hold the purſe. Accordingly, in the ſimple democracy, or repreſentative democracy, which our author contends for, it would be found, that the great leaders in the aſſembly would ſoon be as luxurious as ever king or hereditary nobles were, and they would make

partiſans,

partiſans by admitting aſſociates in a luxury, which they would ſupport at the expence of the minority: and every particle of the executive power would be proſtituted, new lucrative offices daily created, and larger appointments annexed to ſupport it: nay, the power of judging would be proſtituted to determine cauſes in favour of friends and againſt enemies, and the plunder devoted to the luxury. The people would be found as much inclined to vice and vanity as kings or grandees, and would run on to ſtill greater exceſs and riot: for kings and nobles are always reſtrained in ſome degree, by fear of the people, and their cenſures; whereas the people themſelves, in the caſe we put, are not reſtrained by fear or ſhame, having all honour and applauſe at their diſpoſal, as well as force. It does not appear, then, that they are leſs luxurious; on the contrary they are more luxurious, and neceſſarily become ſo, in a ſimple democracy.

Our author triumphantly concludes, "it is "clear the people, that is, their ſucceſſive repre-"ſentatives" (all authority in one centre, and that centre the nation) "muſt be the beſt governors, "becauſe the current of ſucceſſion keeps them "the leſs corrupt and preſumptuous." He muſt have forgot that theſe ſucceſſive repreſentatives have all the executive power, and will uſe it at once for the expreſs purpoſe of corruption among their conſtituents, to obtain votes at the next election. Every commiſſion will be given, and new offices created, and freſh fees, ſalaries, perquiſites, and emoluments added, on purpoſe to corrupt more voters. He muſt have forgot that the judicial power is in the hands of theſe repreſentatives, by his own ſuppoſitions, and that falſe accuſations of crimes will be ſuſtained to ruin enemies, diſputes

putes in civil cauſes will be decided in favour of friends; in ſhort, the whole criminal law, and the whole civil law concerning lands, houſes, goods, and money, will be made ſubſervient to the covetouſneſs, pride, ambition, and oſtentation of the dominant party and their chiefs. "The current "of ſucceſſion," inſtead of keeping them "leſs "corrupt and preſumptuous," is the very thing that annually makes them more corrupt and ſhameleſs. Inſtead of being more "free from "luxurious courſes," they are more irreſiſtibly drawn into them; inſtead of being "free from "oppreſſive and injurious practices," their parties at elections will force them into them: and all theſe things they muſt do to hold up the port and ſplendor of their tyranny; and if any of them heſitates at any imprudence that his party demands, he alone will be rejected, and another found whoſe conſcience and whoſe ſhame are ſufficiently ſubdued.

Unfortunate in his arguments from reaſon, to ſhew that the people, qualified with the ſupreme authority, are leſs devoted to luxury than the grandee or kingly powers, our author is ſtill more unhappy in thoſe drawn for example.

The firſt example is Athens. "While Athens "remained free, in the people's hands, it was "adorned with ſuch governors as gave themſelves "up to a *ſerious*, *abſtemious*, and ſevere courſe of "life." *Sobriety*, *abſtinence*, and *ſeverity*, were never remarkable characteriſtics of democracy, or the democratical branch or mixture, in any conſtitution; they have often been the attributes of ariſtocracy and oligarchy. Athens, in particular, was never conſpicious for theſe qualities; but, on the contrary, from the firſt to the laſt moment of her democratical conſtitution, *levity*, *gaiety*, *inconſtancy*,

ſtancy, diſſipation, intemperance, debauchery, and a *diſſolution of manners*, were the prevailing character of the whole nation. At what period will it be pretended that they were adorned with theſe ſerious, abſtemious, and ſevere governors? and what were their names? Was Piſiſtratus ſo ſerious, when he drove his chariot into the Agora, wounded by himſelf, and duped the people to give him his guard? or when he dreſſed the girl like Minerva? Was Hipparchus or Hippias, Cleiſthenes or Iſagoras, ſo abſtemious? Was there ſo much abſtinence and ſeverity of public virtue in applying firſt to Sparta, and then to Perſia, againſt their country, as the leaders alternately did? Miltiades indeed was ſerious, abſtemious, and ſevere; but Xanthippus, who was more popular, and, who conducted a capital accuſation againſt him, and got him fined fifty talents, was not. Themiſtocles! was he the ſevere character? A great ſtateſman and ſoldier, to be ſure; but very ambitious, and not very honeſt. Pericles ſacrificed all things to his ambition; Cleon and Alcibiades were the very reverſe of ſobriety, moderation, and modeſty. Miltiades, Ariſtides, Socrates, and Phocion, are all the characters in the Athenian ſtory who had this kind of merit; and to ſhew how little the Athenians themſelves deſerved this praiſe, or eſteemed it in others, the firſt was condemned by the people in an immenſe fine, the ſecond to baniſhment, and the third and fourth to death. Ariſtides had Themiſtocles, a more popular man, conſtantly to oppoſe him. He was, indeed, made financier of all Greece; but what other arbitration had Athens? And Ariſtides himſelf, though a profeſſed imitator of Lycurgus, and a favourer of ariſtocracy, was obliged to overturn the conſtitution, by giving way to the furious ambition

of

of the people, and by letting every citizen into the competition for the archbiſhop*. " Being at the " height, they began to decline;" that is, almoſt in the inſtant when they had expelled the Piſiſtratidæ, and acquired a democratical aſcendency, though checked by the areopagus and many other inſtitutions of Solon, they declined. The good conduct of the democracy began and ended with Ariſtides. " Permitting ſome men to greaten " themſelves by continuing long in power and " authority, they ſoon loſt their pure principles " of ſeverity and liberty." In truth, nobody yet had ſuch principles but Miltiades and Ariſtides. At ſoon as the people got unlimited power, they did as the people always do, give it to their flatterers, like Themiſtocles, and continued it in him. To what purpoſe is it to talk of the rules of a free ſtate, when you are ſure thoſe rules will be violated? The people unbalanced never will obſerve them.

" The thirty" were appointed by Lyſander, after the conqueſt of Athens by Sparta: yet it was not the continuance, but the illimitation, of their power that corrupted them. Theſe, indeed, behaved like all other unchecked aſſemblies: the majority deſtroyed Theramenes, and the few vir-

* When the city of Athens was rebuilt, the people finding themſelves in a ſtate of tranquillity, endeavoured by every means to get the whole government into their own hands. Ariſtides perceiving that it would be no eaſy matter to reſtrain a people with arms in their hands, and grown inſolent with victory, ſtudied methods to appeaſe them. He paſſed a decree, that the government ſhould be common to all the citizens; and that the archons, who were the chief magiſtrates, and uſed to be choſen only out of thoſe who received at leaſt five hundred medimnis of grain from the product of their lands, ſhould for the future be elected from among all the Athenians without diſtinction. Plut. Ariſt.

tuous members who happened to be among them and were a reproach to them, and then ruled with a rod of iron. Nothing was heared of but murders and impriſonments. Riches were a crime that never failed to be puniſhed with confiſcation and death. More people were put death in eight months of peace than had been ſlain by the enemy in a war of thirty years. In ſhort every body of men, every unchecked aſſembly in Athens, had invariably behaved in this manner: the four hundred formerly choſen; now the thirty; and afterwards the ten. Such univerſal, tenacious, and uniform conſpiracies againſt liberty, juſtice, and the public good; ſuch a never failing paſſion for tyranny, poſſeſſing republicans born in the air of liberty, nurtured in her boſom, accuſtomed to that equality on which it is founded, and principled by their education from their earlieſt infancy in an abhorrence of all ſervitude, have aſtoniſhed the generality of hiſtorians. There muſt be in power, ſay they, ſome violent impulſe to actuate ſo many perſons in this manner, who had no doubt ſentiments of virtue and honour, and make them forget all laws of nature and religion. But there is really no room for all this ſurpriſe: it is the form of government that naturally and neceſſarily produces the effect. The aſtoniſhment really is, and ought to be only, that there is one ſenſible man left in the world who can ſtill entertain an eſteem, or any other ſentiment than abhorrence, for a government in a ſingle aſſembly.

"Such alſo was the condition of Athens when "Piſiſtratus uſurped the tyranny." But who was it that continued the power of Piſiſtratus and his ſons? The people. And if this example ſhows, like all others, that the people are always diſpoſed to continue and increaſe the power of their favourites

vourites againſt all maxims and rules of freedom, this alſo is an argument for placing balances in the conſtitution, even againſt the power of the people.

From Athens our author comes to Rome. "Under Tarquin it was diſſolved in debauchery." —"Upon the change of government their manners "were ſomewhat mended." This difference does not appear: on the contrary, the Roman manners were under the kings as pure, as under the ariſtocracy that followed. "The ſenate being a ſtand-"ing power, ſoon grew corrupt, and firſt let "in luxury, then tyranny; till the people being "intereſted in the government, eſtabliſhed a good "diſcipline and freedom both together, which "was upheld with all ſeverity till the grandees "came in play." When an author writes from imagination only, he may ſay what he pleaſes; but it would be trifling to adduce proofs in detail of what every one knows. The whole hiſtory of Rome ſhows that corruption began with the people ſooner than in the ſenate; that it increaſed faſter; that it produced the characters he calls grandees, as the Gracchi, Marius, Sylla, and Cæſar; and that the ſenate was for centuries the check that preſerved any degree of virtue, moderation, or modeſty.

Our author's concluſion is, that "grandee "and kingly powers are ever more luxurious "than the popular are or can be; that luxury "ever brings on tyranny as the bane of liber-"ty; and therefore that the rights of the peo-"ple, in a due and orderly ſucceſſion of their "ſupreme aſſemblies, are more ſecure in their "own hands than any others.

But if the fact is otherwiſe, and the people are equally luxurious in a ſimple democracy as in

in a ſimple ariſtocracy or monarchy; but more eſpecially if it be true, as it undoubtedly is, that they are more ſo; then the contrary concluſion will follow, that their rights are more ſecure when their own power is tempered by a ſeparate executive and an ariſtocratical ſenate.

The truth relating to this ſubject is very obvious, and lies in a narrow compaſs. The diſpoſition to luxury is ſo ſtrong in all men, and in all nations, that it can be reſtained, where it has the means of gratification, only by education, diſcipline or law. Education and diſcipline ſoon loſe their force when unſupported by law: ſimple democracies, therefore, have occaſion for the ſtricteſt laws to preſerve the force of education, diſcipline and ſeverity of manners. This is the reaſon why examples of the moſt rigorous, the moſt tyrannical, ſumptuary laws are found in governments the moſt popular: but ſuch ſumptuary laws are found always ineffectual; they are always hated by the people, and violated continually; and thoſe who approve them neither dare repeal them, nor attempt to carry them into execution. In a ſimple ariſtocracy the diſpoſition to luxury ſhews itſelf in the utmoſt extravagance, as in Poland: but it is confined to the gentlemen; the common people are forbidden it; and ſuch ſumptuary laws are executed ſeverely enough. In ſimple monarchies ſumptuary laws are made under the guiſe of prohibitions or impoſts; and luxury is generally no otherwiſe reſtrained than by the ability to gratify it: but as the difference of ranks is eſtabliſhed by laws and cuſtoms univerſally known, there is no temptation for people in the lower ranks to imitate the ſplendor of thoſe in the higher. But in the mixed government we contend for, the diſtinction of ranks is alſo generally known, or ought

ought to be: it has therefore all the advantage againſt general luxury which ariſes from ſubordination; and it has the further advantage of being able to execute prudent and reaſonable ſumptuary laws, whenever the circumſtances of affairs require them. It is, therefore, ſafe to affirm, that luxury is leſs dangerous in ſuch a mixed government than any other; has leſs tendency to prevail; and is much more eaſily reſtrained to ſuch perſons and objects as will be leaſt detrimental to the public good.

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The tenth reaſon is, "becauſe the people under "this government are ever endued with a more "magnanimous, active, and noble temper of ſpi"rit, than under the grandeur of any ſtanding "power; and this ariſes from an apprehenſion "which every man has of his own ſhare in the "public intereſt, as well as of that ſecurity which "he poſſeſſes in the enjoyment of his private "fortune, free from the reach of any arbitrary "power."

This is a good argument in favour of a government in which the people have an eſſential part of the ſovereign power; but none at all for one in which they exerciſe the whole. When they have a part, balanced by a ſenate and a diſtinct executive power, it is true they have more magnanimity, activity, and ſpirit; they have a regard to their own immediate ſhare in the public intereſt; they have an apprehenſion of that ſecurity they poſſeſs in the enjoyment of their private fortunes, free from the reach of any arbitrary power. Whenever ſucceſs betides the public, and the commonwealth conquers, thrives in dominion, wealth, or honour, the citizen reckons all his own: if he ſees honours, offices, rewards, diſtributed

buted to valiant, virtuous, or learned men, he eſteems them his own, as long as the door is left open to ſucceed in the ſame dignities and enjoyments, if he can attain to the ſame meaſure of deſert. Men aſpire to great actions when rewards depend on merit; and merit is more certain of reward in a mixed government than in any ſimple one. Rewards depend on the will and pleaſure of particular perſons, in ſtanding powers of monarchy or ariſtocracy: but they depend equally on the will and pleaſure of the principes populi, the reigning demagogues, in ſimple democracies, and for obvious reaſons are oftener diſtributed in an arbitrary manner. In a mixed government the miniſters of the executive power are always reſponſible, and groſs corruption in the diſtribution of offices is always ſubject to inquiry and to puniſhment: but in ſimple governments the reigning characters are accountable to nobody. In a ſimple democracy each leader thinks himſelf accountable only to his party, and obliged to beſtow honours, rewards, and offices, not upon merit and for the good of the whole ſtate, but merely to increaſe his votes and partiſans in future elections. But it is by no means juſt, politic or true, to ſay, that offices &c. are always conferred in free ſtates, meaning ſingle aſſemblies, according to merit, without any conſideration of birth or fortune. Birth and fortune are as much conſidered in ſimple democracies as in monarchies, and ought to be conſidered, in ſome degree, in all ſtates. Merit, it is true, ought to be preferred to both; but merit being equal, birth will generally determine the queſtion in all popular governments; and fortune, which is a worſe criterion, oftener ſtill.

But what apprehenſion of their ſhare in the public intereſt, or of their ſecurity in the enjoyment

of

of their private fortune, can the minor party have in a ſimple democracy, when they ſee that ſucceſſes, conqueſts, wealth, and honour, only tend to increaſe the power of their antagoniſts, and to leſſen their own; when all honours, offices, and rewards, are beſtowed to leſſen their importance, and increaſe that of their opponents; when every door is ſhut againſt them to ſucceed to dignities and enjoyments, be their merit what it will; when they ſee that neither birth, fortune, nor merit, can avail them, and that their adverſaries, whom they will call their enemies, ſucceed continually, without either birth, fortune, or merit? This is ſurely the courſe in a ſimple democracy, even more than in a ſimple ariſtocracy or monarchy. Abilities, no doubt, will be ſought and purchaſed into the ſervice of fortune and family in the predominant party, but left to periſh in oppoſition.

A mixed government is the only one where merit can be expected to have fair play; there it has three reſources, one in each branch of the legiſlature, and a fourth in the courts of juſtice; whereas in all ſimple governments it has but one.

Our author proceeds again to Roman hiſtory, and repeats examples he had uſed before, with equal ill ſucceſs. The examples prove the contrary of what he cites them to prove. "The "Romans, under their kings, remained inconſi- "derable in reputation, and could never enlarge "the dominion very far beyond the walls of "their city. Afterwards, under the ſtanding "power of the ſenate, they began to thrive a "little, and for a little time. But when the "people began to know, claim, and poſſeſs their "liberties, in being governed by a ſucceſſion of "their ſupreme officers and aſſemblies, then it "was, and never till then, that they laid the "foundation,

"foundation, and built the ſtructure, of that "wondrous empire that overſhadowed the whole "world."

In ſupport of all this, no doubt, will be cited the ſplendid authority of Salluſt. "Nam regibus, "boni quam mali, ſuſpectiores ſunt, ſemperque "his aliena virtus formidoloſa eſt. Sed civitas, "incredibile memoratu eſt, adepta libertate, quam "brevi creverit; tanta cupido gloriæ inceſſerat. "Jam primum juventus ſimul laboris ac belli "patrius orat, in caſtris per uſum militiam diſce-"bat; magiſque in decoris armis et militaribus "equis, quam in ſcortis atque conviviis lubidi-"nem habebat."—The condition and happineſs of Rome under their kings, till the time of Tarquin, have been before related. It has been ſhewn, that the introduction of laws and formation of the manners of a barbarous rabble, aſſembled from all nations, engaged the attention both of the kings and the ſenate during this period. Their wars have been enumerated, and it has been ſhewn that the nation was not in a condition to ſtruggle with its hoſtile neighbours, nor to contend among themſelves. It has been ſhewn that, in proportion as they became eaſy and ſafe, the nobles began to envy the kings, and to form continual conſpiracies againſt their authority, thrones, and lives, until it became a queſtion only whether monarchy or ariſtocracy ſhould be aboliſhed. In this manner kings were neceſſitated either to give up all their authority into the hands of an haughty and aſpiring ſenate, or aſſert a more deciſive and arbitrary power than the conſtitution allowed them. In the conteſt the nobles prevailed, and in the wars with Tarquin and his ſucceſſors, and their allies, ſoldiers and officers were formed, who became capable and deſirous of conqueſt

queſt and glory. Salluſt himſelf confeſſes this in the former chapter: "Poſt, ubi regium impe-"rium, quod *initio conſervandæ libertatis, atque* "*augendæ reipublicæ fuerat*, in ſuperbiam, domi-"nationem que convertit; immutato more, an-"nua imperia, binoſque imperatores, ſibi fecere." In addition to this it ſhould be remembered, that Salluſt was an ariſtocratical hiſtorian, and attached to the ſovereignty in the ſenate, or at leaſt deſirous of appearing ſo in his hiſtory, and an enemy to the government of a ſingle perſon, of which the republic was at that time in the near proſpect and the utmoſt danger. The queſtion, in the mind of this writer, was not between an ariſtocracy and a mixed ſovereignty, but between ariſtocracy and ſimple monarchy, or the empire of one: yet all that can be inferred from the fact, as ſtated by our author and by Salluſt, is, that ariſtocracy at firſt is better calculated for conqueſt than ſimple monarchy. It by no means follows, that ariſtocracy is more friendly to liberty or commerce, the two bleſſings now moſt eſteemed by mankind, than even ſimple monarchy. But the moſt exceptionable ſentiment of all is this, "When the people "began to poſſeſs their liberties, in being govern-"ed by a ſucceſſion of their ſupreme officers and "aſſemblies, then they laid the foundation of em-"pire, and built the ſtructure." By this one would think that the Romans were governed by a ſingle repreſentative aſſembly, periodically choſen, which is our author's idea of a perfect commonwealth: whereas nothing can be further from the truth. There is ſcarcely any conſtitution farther removed from a ſimple democracy, or a repreſentative democracy, than the Roman. As has been before obſerved, from Romulus to Cæſar, ariſto-

cracy was the predominant feature of the ſovereignty. The maxim of monarchical power in the kings and conſuls, and the mixture of democratical power in the tribunes and popular aſſemblies, though unequal to the ariſtocratical ingredient, were checks to it, and ſtrong ſtimulants to exertions, though not complete balances: but the periods of greateſt liberty, virtue, glory, and proſperity, were thoſe in which the mixture of all three was neareſt equality. Our author's argument and example are clear and ſtrong in favour of the triple combination, and deciſive againſt the democracy he contends for.—"In thoſe days "the world abounded with free ſtates more "than any other form, as well over Italy, Gal-"lia, Spain, and Africa." It may be queſtioned whether there was then in the world one free ſtate, according to our author's definition of it: all that were called free ſtates in thoſe days, were either ariſtocracies, oligarchies, or mixtures of monarchy and ariſtocracy, of ariſtocracy and democracy, or of monarchy, ariſtocracy, and democracy; but not one do we read of which was governed by a democracy ſimple, or by repreſentation. The Achaian league, and others like it, were confederated cities, each city being independent, and itſelf a mixed government.

Carthage is the next example: and an excellent one it is to prove that a mixed government, in which the people have a ſhare, gives them magnanimity, courage, and activity; but proves nothing to our author's purpoſe. The ſuffetes, the ſenate, and the people, the monarchical, ariſtocratical, and democratical powers, nicely balanced, as Ariſtotle ſays, were the conſtitution of Carthage, and ſecured its liberty and proſperity: but when the balance was weakened, and began to incline to a dominatio

a dominatio plebis, the preciſe form of government our author contends for, they haſtened to ruin. The next examples quoted by our author are the Swiſs; another example which proves nothing for him, and much againſt him. All the cantons of any extent, numbers, or wealth, are ariſtocratical; or mixed: the little ſpots, that are called democratical, are more or leſs mixtures. The Hollanders, his laſt example, had no democratical mixture in their conſtitution; entirely ariſtocratical; and preſerved from tyranny and deſtruction, partly by a ſtadtholder, partly by the people in mobs, but more eſpecially by the number of independent cities and ſovereignties aſſociated together, and the great multitude of perſons concerned in the government and compoſing the ſovereignty, four or five thouſand; and, finally, by the unanimity that is required in all tranſactions. Thus every one of theſe examples, ancient and modern, are a clear demonſtration againſt our author's ſyſtem, inſtead of being an argument for it. There is not even a colour in his favour in the democratical cantons of Switzerland, narrow ſpots or barren mountains, where the people live on milk; nor in St. Marino or Raguſa: no precedents, ſurely, for England or American ſtates, where the people are numerous and rich, the territory capacious, and commerce extenſive.

Freedom produces magnanimity and courage; but there is no freedom nor juſtice in a ſimple democracy for any but the majority: the ruling party, no doubt, will be active and bold; but the ruled will be diſcouraged, brow-beaten, and inſulted, without a poſſibility of redreſs but by civil war. It is a mixed government then, well balanced, that makes all the nation of a noble temper. Our

author

author confeſſes, "We feel a loſs of courage and "magnanimty follow the loſs of freedom;"—and it is very true. This loſs is no where ſo keenly felt, as when we are enſlaved by thoſe whom the conſtitution makes our equals: this is the caſe of the minority always in a ſimple democracy.

The eleventh reaſon is, "becauſe no determi-"nations being carried but by conſent of the "people, therefore they muſt needs remain ſecure "out of the reach of tyranny, and free from the "arbitrary diſpoſition of any commanding pow-"er."—No determinations are carried, it is true, in a ſimple or repreſentative democracy, but by conſent of the majority of the people, or their repreſentatives. If our author had required unanimity in every vote, reſolve, and law, in that caſe no determination could be carried but by conſent of the people; but no good government was ever yet founded upon the principal of unanimity; and it need not be attempted to be proved that none ſuch ever can exiſt. If the majority, then, muſt govern, and conſequently often near half, and almoſt always a party, muſt be governed againſt their conſent, it is the majority only who will remain ſecure out of the reach of tyranny, and free from the arbitrary diſpoſition of one commanding power: the minority, on the contrary, will be conſtantly within the reach of tyranny, and under the arbitrary diſpoſition of the commanding power of the majority. Nor do the minority, under ſuch a government, "know what laws they are "to obey, or what penalties they are to undergo, "in caſe of tranſgreſſion; nor have they any ſhare "or intereſt in making of laws, with the penalties "annexed; nor do they become the more inex-"cuſable if they offend:" nor ought they "the "more

"more willingly to ſubmit to puniſhment, when "they ſuffer for any offence," for the minority have no laws but what the majority pleaſe to give, any more than "when the government is managed "in the hands of a particular perſon," or "con- "tinued in the hands of a certain number of great "men:" nor do the minority "know how to "walk by thoſe laws" of the majority, or how to underſtand them, "becauſe the ſenſe is oftentimes "left at uncertainty; and it will be reckoned a "great myſtery of ſtate, in ſuch a form of govern- "ment, that no laws ſhall be of any ſenſe or force, "but as the great ones" among the majority "pleaſe to expound them;" ſo as "the people "of the minority" will be "left, as it were, "without law, becauſe they bear no other con- "ſtruction and meaning but what ſuits with the "intereſts and fancies of particular men" in the majority; "not with right reaſon, or the public "liberty." To be convinced of this, we ſhould recollect that the majority have the appointment of the judges, who will be generally the great leaders in the houſe, or their friends and parti- ſans, and even great exertions will be made to pack juries; but without packing, the probability is, that a majority at leaſt of the juries will be of the ruling party in the nation, and its ſovereign aſſembly. We may go farther, and ſay, that as the paſſions and intereſts of the majority have no check, they will frequently make ex poſt facto laws; laws with a retroſpect, to take in caſes which, at the time, were not foreſeen, for the mortification of the minority, and the ſupport and encouragement of their adverſaries. The judges will not be leſs "reputed the oracles of the law" under ſuch a government, than under kings or ſtanding ſenates; and the "power of creating

"judges"

"judges" will not indeed be "uſurped," but will be legally and conſtitutionally in the hands of the majority, or rather of their leader or leaders, "who will never have a care to create ſuch as will "make the law ſpeak in favour of them upon any "occaſion." Theſe principes populi may ſay, with as much arrogance and as much truth as it was ever ſaid by Charles or James, "As long as we "have the power of making what judges and "biſhops we pleaſe, we are ſure to have no law nor goſpel but what ſhall pleaſe us."

The example of Henry the Seventh and Henry the Eighth, thoſe of James and Charles, are no doubt pertinent to prove, that "the uſurpa-"tion of a prerogative of expounding the laws "after their own pleaſure, made them rather ſnares "than inſtruments of relief, like a grand catch-"pole, to pill, poll, and geld the purſes of the "people; to deprive many gallant men of their "lives and fortunes." But if we had the hiſtory of any ſimple democracy, or democracy by ſimple repreſentation, ſuch as our author contends for, we ſhould find that ſuch a prerogative was uſurped by the majority and their chiefs, and applied to as bad purpoſes. But the truth is, no ſuch government, that we know of, ever exiſted. The univerſal ſenſe of mankind has deemed it ſo deſtructive or impracticable, that no nation has ventured on it. The Italian republics of the middle age approach the neareſt to it: their hiſtory is an anſwer. But if we conſider thoſe paſſions in human nature which cauſe deſpots, oligarchies, and ſtanding ſenates, to make ſuch an abuſe of power, we muſt ſee that the ſame paſſions will ever exiſt in the majority and their leaders in a democracy, and produce the ſame fatal effects. It is really aſtoniſhing, that the inſtitution of Lycurgus ſhould be

be adduced as a precedent in favour of our author's project of the right conſtitution of a commonwealth—there is ſcarcely a form of government in the world more eſſentially different from it, in all its parts. It is very true that the proviſion made by that legiſlator for an equality of laws, rights, duties, and burthens, among all the citizens, however imperfect it was, however inferior to the proviſion in the Engliſh and American conſtitutions, was the principal commendation of his plan; but inſtead of giving all power to the people or their repreſentatives, he gave the real ſovereignty to his ſtanding ſenate. Our author himſelf is ſo ſenſible of this, that he allows the "Lacedemonian commonwealth to be cut out "after the grandee faſhion,"—"confirming the "ſupremacy within the walls of the ſenate."—"The ſenate was in ſome meaſure reſtrained by "laws, walking in the ſame even pace of ſub-"jection with the people; having few offices of "dignity ot profit which might make them ſwell "with ſtate and ambition; but were preſcribed "alſo the ſame rules of frugality, plainneſs, and "moderation, as were the common people; by "which means immoderate luſts and deſires be-"ing prevented in the great ones, they were the "leſs inclined to pride and oppreſſion; and no "great profit or pleaſure being to be gotten by "authority, very few deſired it; and ſuch as were "in it ſat free from envy, by which means they "avoided that odium and emulation which uſed "to rage betwixt the great ones and the people "in that form of government." But how was this done? by collecting all authority into one centre? No; but by prohibiting travel and communication with ſtrangers, which no people on earth are now barbarous and ſtupid enough to bear; by prohibiting

prohibiting commerce, which no people who have ſenſe and feeling will now renounce; and by prohibiting money, which all people now deſire, and which makes the eſſential inſtrument for guiding the world. But all this would not have ſucceeded, if his conſtitution had been only one popular aſſembly. This was effected by reciprocal checks, and a real balance, approaching nearly to an abſolute controul of the ſenate, by a marriage between the king and people. The king, ſo far from being a cypher, had great authority; he was the ſtanding and hereditary head of the commonwealth, and this alone muſt give him a dominion over the hearts and underſtandings both of ſenate and people, that muſt have amounted to a great authority. Our author is generally ſo ſenſible of the influence gained over high and low by ſtanding authority, that it is wonderful he ſhould forget it in this caſe. He was, beſides, always commander in chief of the armies, and generally led in perſon; and this, in all governments, gives a general, an influence bordering on royal ſupremacy. But beſides, there were two aſſemblies of the people, one for the city, and one for the country, and thoſe popular repreſentatives, the Ephori. But the indiſſoluble bond that united the king and people for ever, was the oath taken by the kings and Ephori every month; the former never to violate the privileges of the people, and the latter for ever to be loyal to the kings, the deſcendants of Hercules. This was not equivalent to an abſolute negative in the king and the people both, upon the laws of the ſenate, but it amounted to one complete negative upon the ſenate; becauſe the kings and people were both ſworn to oppoſe all encroachments of the ſenate; and if theſe had made unequal laws, and ſcrambled for more

more power, the people would have inſtantly taken arms, under the command of their Ephori and their kings, againſt the ſenate. This balance, this mixture, was the real cauſe of that equality which was preſerved in Sparta. But if all authority had been in the popular aſſemblies, without kings or ſenate, the right conſtitution of a commonwealth which our author is an advocate for, that equality could not have exiſted twenty years; a majority would neceſſarily have riſen up to carry all before them, and to depreſs the minority more and more, until the firſt man among the majority would have been king, his principal ſupporters nobles, and the reſt not only plebeians, but ſlaves.

The queſtion between us and our author, is not whether the people ſhall be excluded from all intereſt in government or not. In this point we are perfectly agreed, viz. that there can be no conſtitutional liberty, no free ſtate, no right conſtitution of a commonwealth, where the people are excluded from the government; where, indeed, the people have not an independent equal ſhare with the two other orders of the ſtate, and an abſolute controul over all laws and grants of money. We agree therefore in his next example, the commonwealth of Venice, "where the people are ex-"cluded from all intereſt in government; where "the power of making and executing of laws, "and bearing offices, with all other immunities, "lies only in the hands of a ſtanding ſenate, and "their kindred, which they call the patrician or "noble order." Their duke is indeed reſtrained; but far from being "made juſt ſuch another of-"ficer as the Lacedemonian kings," he is reduced in dignity and authority much below them, "differing from the reſt of the ſenate only in a "corner of his cap, beſides a little outward cere-"mony

" mony and ſplendor."—" The ſenators them-
" ſelves have, indeed, liberty at random arbitra-
" rily to ramble, and do what they pleaſe with
" the people, who, excepting the city itſelf, are ſo
" extremely oppreſſed in all their territories, liv-
" ing by no law but the arbitrary dictates of the
" ſenate, that it ſeems rather a junto than a com-
" monwealth ;"—" and the ſubjects take ſo little
" content in it, that ſeeing more to be enjoyed
" under the Turk, they that are his borderers take
" all opportunities to revolt, and ſubmit rather to
" the mercy of a Pagan tyranny; which diſpo-
" ſition if you conſider, together with the little
" courage of their ſubjects, by reaſon they preſs
" them ſo hard, and how that they are forced for
" this cauſe to rely upon foreign mercenaries in
" all warlike expeditions, you might wonder how
" this ſtate hath held up ſo long, but that we
" know the intereſt of Chriſtendom being con-
" cerned in her ſecurity, ſhe hath been chiefly
" ſupported by the ſupplies and arms of others."
All this is readily allowed. We concur alſo moſt ſincerely in our author's concluſion, in part, viz.
" That ſince kings, and all ſtanding powers, are
" ſo inclined to act according to their own wills
" and intereſts in making, expounding, and exe-
" cuting of laws, to the prejudice of the people's
" liberty and ſecurity, that no laws whatſoever
" ſhould be made but by the people's conſent,
" as the only means to prevent arbitrarineſs."
But we muſt carry the concluſion farther, viz. that ſince all men are ſo inclined to act according to their own wills and intereſts, in making, expounding, and executing laws, to the prejudice of the people's liberty and ſecurity, the ſovereign authority, the legiſlative, executive, and judicial power, can never be ſafely lodged in one aſſembly,

though

though choſen annually by the people; becauſe the majority and their leaders, the principes populi, will as certainly oppreſs the minority, and make, expound, and execute laws for their own wealth, power, grandeur and glory, to the prejudice of the liberty and ſecurity of the minority, as hereditary kings or ſtanding ſenates. The concluſion, therefore, that the people, in a ſucceſſion of their ſupreme ſingle aſſemblies, are the beſt keepers of their liberties, muſt be wholly reprobated.

The twelfth reaſon is, "becauſe this form is "moſt ſuitable to the nature and reaſon of man-"kind."—If Socrates and Plato, Cicero and Seneca, Hutchinſon and Butler, are to be credited, reaſon is rightfully ſupreme in man, and therefore it would be moſt ſuitable to the reaſon of mankind to have no civil or political government at all. The moral government of God, and his vicegerent Conſcience, ought to be ſufficient to reſtrain men to obedience, to juſtice and benevolence, at all times and in all places; we muſt therefore deſcend from the dignity of our nature, when we think of civil government at all. But the nature of mankind is one thing, and the reaſon of mankind another; and the firſt has the ſame relation to the laſt as the whole to a part: the paſſions and appetites are parts of human nature, as well as reaſon and the moral ſenſe. In the inſtitution of government, it muſt be remembered, that although reaſon ought always to govern individuals, it certainly never did ſince the Fall, and never will till the Millennium; and human nature muſt be taken as it is, as it has been, and will be. If, as Cicero ſays, "man "is a noble creature, born with affections to rule "rather than obey, there being in every man a na-"tural deſire of principality," it is yet certain that

that every man ought to obey as well as to rule, ἀρχειν καὶ ἀρχεσθαι, and that every man cannot rule alone. Each man muſt be content with his ſhare of empire; and if the nature and reaſon of mankind, the nobleneſs of his qualities and affections, and his natural deſires, prove his right to a ſhare in the government, they cannot ſurely prove more than the conſtitutions of the United States have allowed, an annual election of the whole legiſlative and executive, the governor, ſenate, and houſe. If we admit them to prove more, they would prove that every man has every year a right to be governor, ſenator, and repreſentative; which being impoſſible, is abſurd. Even in our author's "Right conſtitution," every man would have an equal right to be repreſentative, choſen or not. The reaſon why one man is content to ſubmit to the government of another, as aſſigned by our author, viz. "not becauſe he conceives himſelf to have leſs right than another, "to govern, but either becauſe he finds himſelf "leſs able, or elſe becauſe he judgeth it will be "more convenient for himſelf and the commu-"nity if he ſubmits to another's government," is a proof of this; becauſe the moment it is allowed that ſome are more able than others, and that the community are judges who the moſt able are, you take away the right to rule, derived from the nobleneſs of each man's individual nature, from his affections to rule rather than obey, or from his natural appetite or deſire of principality, and give the right of conferring the power to rule to the community. As a ſhare in the appointment of deputies is all that our author can with any colour infer from this noble nature of man, his nature will be gratified and his dignity ſupported as well, if you divide his deputies into three

three orders, of governor for the executive, and an integral ſhare in the legiſlative, of ſenators for another independent part of the legiſlative, and of repreſentatives for a third, and if you introduce a judicious balance between them, as if you huddle them into one aſſembly, where they will ſoon diſgrace their own nature, and that of their conſtituents, by ambition, avarice, jealouſy, envy, faction, diviſion, ſedition, and rebellion. Nay, if it ſhould be found that annual elections of governors and ſenators cannot be ſupported without introducing venality and convulſions, as is very poſſible, the people will conſult the dignity of their nature better by appointing a ſtanding executive and ſenate, than by inſiſting on elections, or at leaſt by prolonging the duration of thoſe high truſts, and making elections leſs frequent.

It is indeed a "moſt excellent maxim, that the "original and fountain of all juſt power and go-"vernment is in the people;" and if ever this maxim was fully demonſtrated and exemplified among men, it was in the late American revolution, where thirteen governments were taken down from the foundation, and new ones elected wholly by the people, as an architect would pull down an old building and erect a new one. There will be no diſpute then with Cicero, when he ſays, "A "mind well inſtructed by the light of nature, will "pay obedience," willingly, "to none but ſuch as "command, direct, or govern, for its good or "benefit; nor will our author's inferences from theſe paſſages of that oracle of human wiſdom be denied: 1. That by the light of nature people are taught to be their own carvers and contrivers in the framing of that government under which they mean to live; 2. That none are to preſide

in

in government, or ſit at the helm, but ſuch as ſhall be judged fit, and choſen by the people; 3. That the people are the only proper judges of the convenience or inconvenience of a government when it is erected, and of the behaviour of governors after they are choſen.—But then it is inſiſted, that rational and regular means ſhall be uſed that the whole people may be their own carvers, that they may judge and chooſe who ſhall preſide, and that they may determine on the convenience or inconvenience of government, and the behaviour of governors. But then it is inſiſted, that the town of Berwick upon Tweed ſhall not carve, judge, chooſe, and determine for the whole kingdom of Great Britain, nor the county of Berkſhire for the Maſſachuſetts; much leſs that a lawleſs tyrannical rabble ſhall do all this for the ſtate, or even for the county of Berkſhire.

It may be, and is admitted, that a free government is moſt natural, and only ſuitable to the reaſon of mankind; but it by no means follows "that the other forms, as a ſtanding power in the "hands of a particular perſon, as a king, or of "a ſet number of great ones, as in a ſenate," much leſs that a mixture of the three ſimple forms "are beſide the dictates of nature, and mere "artificial devices of great men, ſquared only to "ſerve the ends and intereſts of avarice, pride, "and ambition of a few, to a vaſſallizing of the "community."—If the original and fountain of all power and government is in the people, as undoubtedly it is, the people have as clear a right to erect a ſimple monarchy, ariſtocracy, or democracy, or an equal mixture, or any other mixture of all three, if they judge it for their liberty, happineſs, and proſperity, as they have to erect a democracy;

democracy; and infinitely greater and better men than Marchamont Nedham, and the wiſeſt nations that ever lived, have preferred ſuch mixtures, and even with ſuch ſtanding powers, as ingredients in their compoſitions. But even thoſe nations who chooſe to reſerve in their own hands the periodical choice of the firſt magiſtrate, ſenate, and aſſembly, at certain ſtated periods, have as clear a right to appoint a firſt magiſtrate for life as for years, and for perpetuity in his deſcendants as for life. When I ſay for perpetuity, or for life, it is always meant to imply, that the ſame people have at all times a right to interpoſe, and to depoſe for mal-adminiſtration—to appoint anew. No appointment of a king or ſenate, or any ſtanding power, can be, in the nature of things, for a longer period than quam diu ſe bene geſſerit, the whole nation being judge. An appointment for life, or perpetuity, can be no more than an appointment until further order; but further order can only be given by the nation: and until the nation ſhall have given the order, an eſtate for life, or in fee, is held in the office. It muſt be a great occaſion which can induce a nation to take ſuch a ſubject into conſideration and make a change. Until a change is made, an hereditary limited monarch is the repreſentative of the whole nation, for the management of the executive power, as much as an houſe of repreſentatives is, as one branch of the legiſlature, and as guardian of the public purſe; and a houſe of lords too, or a ſtanding ſenate, repreſents the nation for other purpoſes, viz. as a watch ſet upon both the repreſentatives and the executive power. The people are the fountain and original of the power of kings and lords, governors and ſenates, as well as the houſe of commons, or aſſembly of repreſentatives:

ſentatives: and if the people are ſufficiently enlightened to ſee all the dangers that ſurround them, they will always be repreſented by a diſtinct perſonage to manage the whole executive power; —a diſtinct ſenate, to be guardians of property againſt levellers for the purpoſes of plunder, to be a repoſitory of the national tradition of public maxims, cuſtoms, and manners, and to be controulers in turn both of kings and their miniſters on one ſide, and the repreſentatives of the people on the other, when either diſcover a diſpoſition to do wrong;—and a diſtinct houſe of repreſentatives, to be the guardians of the public purſe, and to protect the people in their turn againſt both kings and nobles. A ſcience certainly comprehends all the principles in nature which belong to the ſubject. The principles in nature which relate to government cannot all be known, without a knowledge of the hiſtory of mankind. The Engliſh conſtitution is the only one which has conſidered and provided for all caſes that are known to have generally, indeed to have always happened in the progreſs of every nation; it is, therefore, the only ſcientifical government. To ſay then that ſtanding powers have been erected, as mere artificial devices of great men, to ſerve the ends of avarice, pride, and ambition of a few, to the vaſſallizing of the community, is to declaim and abuſe. Standing powers have been inſtituted to avoid greater evils, corruption, ſedition, war, and bloodſhed, in elections; it is the people's buſineſs, therefore, to find out ſome method of avoiding them, without ſtanding powers. The Americans flatter themſelves they have hit upon it: and no doubt they have for a time, perhaps a long one: but this remains to be proved by experience.

Our

Our author proceeds: "A conſent and free "election of the people, which is the moſt na- "tural way and form of governing, hath no real "effect in the other forms; but is either ſup- "planted by craft and cuſtom, or ſwallowed up "by a pernicious pretence of right, in one or "many, to govern only by virtue of an heredi- "tary ſucceſſion."—If the people are ſo unenligtened, and ſo corrupt, that they cannot manage one third part of a legiſlature and their own purſes by their repreſentatives, how much worſe would it be if they had the whole, and all the executive and judicial powers, to manage? But the aſſertion is not true. The conſent and free election of the people has a great and decided effect in the Engliſh conſtitution, and would have had much more if it had been more equal: but if the preſent inequalities cannot be altered, nor a vote obtained to alter them in the houſe of commons, nor any general application of the people to have them altered, what would be the effect of the whole executive and judicial powers, were they in the hands of the houſe? The leading members would employ both theſe reſources, not only to prevent the repreſentation from being rendered more equal, but to make it ſtill more unequal. Our author, alluding to the times of Charles and James, had ſome colour for repreſenting the power of the commons as of little effect; but he ſaw that an attempt, or ſuſpicion of one, to graſp all power into the hands of the crown, had proved the deſtruction both of king and lords; this, ſurely, was a real and great effect. If nations will entangle their conſtitutions with ſpiritual lords, and elective lords, and with decayed boroughs, how can it be avoided? But would not the nation ſend biſhops and elective lords into a

ſingle houſe as their deputies? and would not the utmoſt artifices of bigotry, ſuperſtition, and enthuſiaſm, be ſet at work among the people, as well as bribery and corruption at elections? If the people cannot be ſufficiently enlightened, by education and the preſs, to deſpiſe and reſent, as inſults and impoſitions on human nature, all pretences of right drawn from uninterrupted ſucceſſions or divine miſſions, they will be duped by them in one aſſembly more than in three. Our author has no more right to call his project "the people's form," any more than Monteſquieu, Blackſtone, and De Lolme, have to call their admired ſyſtem by that endearing appellation: both are the people's form, if the people adopt, chooſe, and prefer them; and neither, if they do not. The people have liberty to make uſe of that reaſon and underſtanding God hath given them, in chooſing governors, and providing for their ſafety in government, where they annually chooſe all; nay, they have even where the king and ſenate are hereditary, as long as they have the choice of an eſſential branch, no law can be made, no money raiſed, not one ſtep can be taken, without their concurrence; nay, there is no one act can be done by the miniſters of the executive, but the people, by their repreſentatives, can enquire into, and proſecute to judgment and to puniſhment if it is wrong. Our author will not conſider the caſe of a mixed government; all governments muſt be ſimple with him; the people muſt exerciſe all power, or none. He had his reaſons for this artifice at that time, which do not exiſt at this: His reaſons, however, were not ſufficient; and if the nation had been dealt with more candidly, openly, and boldly, by him, and Milton, and others, a better ſettlement might have been obtained.

obtained. But it is plain that Milton, Nedham, and even Harrington, wrote in ſhackles; but had Nedham and Milton underſtood the ſcience of government as well as Harrington, Charles had never been reſtored. Our author, inſtead of conſidering the project of two aſſemblies, as Harrington did, flies from the idea, and will allow no mixtures.

"In the other forms of a ſtanding power, *all* "authority being entailed on certain perſons and "families, in a courſe of inheritance, men are "deprived of the uſe of their reaſon about choice "of governors." In mixed governments, even ſuch as Sparta, Athens, Rome, Carthage, imperfect as thoſe mixtures were, our author very well knew, that although ſome authority was entailed, all was not. In America none at all is entailed, or held for more than a term of years: their courſe, therefore, is not "deſtructive to the rea-"ſon, common intereſt, and majeſty of that noble "creature called man," and has avoided "that "moſt irrational and brutiſh principle, fit only to "be hiſſed out of the world, which has transform-"ed men into beaſts, and mortified mankind with "miſery through all generations."

This violent declamation, however, does not remove the danger of venality, faction, ſedition, and civil war, in the choice of governors and ſenators, principles more brutiſh and irrational, more fit to be hiſſed out of the world, than hereditary kings and ſenates—evils, indeed, if you will, but the leaſt of the two. Hereditary ſenators, it is certain, have not been the advocates, abettors, or electors, in general, of abſolute monarchies; no ſuch government ever was, or will be, erected or ſupported but againſt their wills. It is the people, who, wearied and irritated with the ſolicitations,

tions, bribes, intrigues, and tyranny of the nobles, and their eternal ſquabbles with kings, have always ſet up monarchy, and fortified it with an army. Our author proceeds to ſearch for examples all over the world; and fixes firſt upon monarchy, abſolute hereditary monarchy: but as Americans have no thoughts of introducing this form of government, it is none of their concern to vindicate the honour of ſuch kings or kingdoms. Two quarters of the globe, Aſia and Africa, are governed wholly by deſpotiſms. There are in Europe near two hundred ſimple monarchs, and in the courſe of the two laſt centuries, allowing 20 years to each reign, two thouſand abſolute princes*. If theſe have been generally of ſuch a character as our author deſcribes, what are we to think of the pride and dignity of that rational, noble animal, man, who has ſubmitted ſo quietly to their tyranny. Mr. Hume thinks more favourably of them; and he has the judgment of the ſpecies in his favour. The ſpecies, not having yet attended to the balance and tried its virtues, have almoſt univerſally determined monarchy preferable to ariſtocracy; or mixtures of monarchy and ariſtocracy; becauſe they find the people have more liberty under the firſt than under the two laſt. They may poſſibly one day try the experiment of mixtures and balances: when they do, a greater improvement in ſociety will take place than ever yet has happened. Nations too have tried the experiment of elective monarchies, in Bohemia, Poland, Hungary, Sweden, &c. inſtances which our author adduces: but after long miſeries, wars, and carnage, they have always determined chance to be better than choice,

* Hume's Eſſays, vol. i. p. 98.

and

and hereditary princes preferable to elective ones. Theſe elections, it is true, have been made by nobles, and by very inadequate methods of collecting the votes of the people; and when elected, there has been no good balance between them and the nobles, nor between the nobles and the people. The Americans have hoped that theſe circumſtances might be arranged ſo as to juſtify one more experiment of elective executives, as well as ſenates and repreſentatives. They have not adopted our author's idea, that if any kingly form be tolerable, it muſt be that which is by election, choſen by the people's repreſentatives. They were well aware, that "preſent greatneſs would give their "governors an opportunity to practiſe ſleights, "ſuch ſleights, that in a ſhort time the govern-"ment, that they received only for their own lives, "will become entailed upon their families; "whereby the election will be made of no effect "further than for faſhion, to mock the poor peo-"ple, and adorn the triumphs of an aſpiring "tyranny." An hereditary firſt magiſtrate at once would, perhaps, be preferable to elections by legiſlative repreſentatives: it is impoſſible to ſay, until it is fairly tried, whether it would not be better than annual elections by the people; or whether elections for more years, or for life, would not be better ſtill.

Our author concludes by a very curious definition of the people: "To take off all miſconſtruc-"tions, when we mention the people, obſerve all "along, that we do not mean the confuſed pro-"miſcuous body of the people, nor any part of "the people who have forfeited their rights by "delinquency, neutrality, or apoſtacy, &c. in re-"lation to the divided ſtate of any nation; for "they are not to be reckoned within the liſts of "the

" the people." This wiſe precaution to exclude all royaliſts, prelatiſts, and malignants, according to the ſtyle of thoſe times, was very ſagacious: and all majorities will ever be equally penetrating in ſuch a Right Conſtitution of a commonwealth as our author contends for—the minority will ſeldom be accounted people.

The thirteenth reaſon is " becauſe in free ſtates " there are fewer opportunities of oppreſſion and " tyranny than in other forms."

This is very true, and moſt cordially admitted; but then the queſtion occurs, what is a free ſtate? In the ariſtocracy of Venice and Poland there are opportunities of oppreſſion and tyranny: and although our author's Right Conſtitution of a Commonwealth has never been tried, the unanimous determination of all nations having been againſt it, and almoſt the univerſal voice of individuals; yet the inſtantaneous effects of it upon human nature are ſo obvious, that it is eaſy to foreſee it would afford more opportunities for tyranny and oppreſſion, and would multiply ſuch opportunities more than ariſtocracy or even monarchy; becauſe the leaders of the majority in the houſe would be ſupported and ſtimulated by their parties continually to tyrannize and oppreſs the minority. The reaſon given by our author in ſupport of his poſition is directly againſt it: " It " is ever the caſe of free commonwealths to pre- " ſerve not an equality, which were irrational and " odious, but an equability of condition among " all the members." Equality, it ſeems, was not his favourite: this would not do in England, to be ſure, any more than America. What his diſtinction is between equality and equability is not known: he defines it, " that no man be permit-

" ted

" ted to grow over great in power." But how much is over great? this is reduced to no ſtandard. " Nor any rank above the ordinary ſtandard." What is this? Excellencies, honourables, gentlemen, yeomen, and labourers, are really as diſtinct ranks, and confer as different degrees of conſideration, reſpect, and influence, among a people who have no other diſtinctions, as dukes, marquiſſes, earls, and barons, in nations that have adopted theſe titles, and the higher are as eagerly coveted by the lower. But at laſt the ſecret comes out— " to aſſume the ſtate and title of nobility." The houſe of lords had been voted uſeleſs, and it was our author's ſyſtem to keep it down; without conſidering that the thing would ſtill exiſt, call it by what name you will.

" Preſerving the equability ſecures the peo- " ple's liberty from the reach of their own officers, " in camp or council." But no people ever yet were provident enough to preſerve either equality or equability. Their eternal fault is too much gratitude to thoſe who ſtudy their humours, flatter their paſſions, and become their favourites. They never know any bounds in their praiſes, honours, or rewards, to thoſe who poſſeſs their confidence, and have excited their enthuſiaſm. The reputation of their idol becomes as complete a tyranny as can be erected among men: it is a crime that is not to be born, to ſpeak a word, to betray a look, in oppoſition to him; nay, not to pronounce their moſt inflamed hyperboles in his praiſe, with as ardent a tone as theirs, is envy, diſaffection, ambition. " Down with him! the Tar- " peian rock!" as ſoon as Manlius dares to think a little higher of his own ſervices, and a little lower of Camillus, than the faſhion. Ariſtocracies are anxious and eager to prevent any one of the nobility

bility from overtopping the reſt; monarchies are jealous of any very great near the throne; but an unmixed, unbalanced people, are never ſatisfied till they make their idol a tyrant. An equal mixture of monarchy, ariſtocracy, and democracy, is the only free government which has been able to manage the greateſt heroes and ſtateſmen, the greateſt individuals and families, or combination of them, ſo as to keep them always obedient to the laws. A Marlborough, a Pulteney, or a Pitt, are here harmleſs beings: but in Rome a Marlborough would have been worſe than Marius, Sylla, or Cæſar; in Athens, worſe than Themiſtocles, Pericles, or Alcibiades, becauſe, with all their ambition, he had more avarice, and leſs ſenſe.

"Not allowing any rank above the common "ſtandard ſecures the people from the preſſures "and ambition of ſuch petty tyrants as would "uſurp and claim a prerogative, power, and "greatneſs, above others, by birth and inheri"tance." Theſe expreſſions have all the keenneſs and bitterneſs of party rancour; and although they were, at that time, no doubt, muſic to his friends, and death to his enemies, they are ſo difficult to avoid in ſuch times, that on the one hand candid philoſophy will extenuate their ferocity, but on the other political wiſdom will for ever be on its guard againſt their ſeductions.—"Theſe," that is a nobility, "are a ſort of men "not to be endured in any well-ordered common"wealth." If theſe words are true, no well-ordered commonwealth ever exiſted; for we read of none without a nobility, no, not one, that I can recollect, without an hereditary nobility—Sparta, Athens, Rome, Venice, Bern, Holland, even Geneva, and St. Marino, &c. where ſhall we look for

for one without? It would be an improvement in the affairs of ſociety, probably, if the hereditary legal deſcent could be avoided; and this experiment the Americans have tried. But in this caſe a nobility muſt and will exiſt, though without the name, as really as in countries where it is hereditary; for the people, by their elections, will continue the government generally in the ſame families from generation to generation. Deſcent from certain parents, and inheritance of certain houſes, lands, and other viſible objects, will eternally have ſuch an influence over the affections and imaginations of the people, as no arts or inſtitutions of policy will controul. Time will come, if it is now or ever was otherwiſe, that theſe circumſtances will have more influence over great numbers of minds than any conſideration of virtues or talents; and whatever influences numbers, is of great moment in popular governments, and in all elections. "They always bear a na-" tural and implacable hate towards the people." This is too ſtrong and univerſal. The Romans obſerved certain families, as the Valerii, &c. who were conſtant friends and lovers of the people, as well as others, the Claudii, &c. who as conſtantly hated them. It has been before admittted, that ſuch a body naturally encroaches both ways, on the people on one ſide, and on the king on the other. The people hate and envy them as much, and endeavour equally to encroach: but the ſame ſentiments, paſſions, and enterprizes, take place between the democratical body and the ariſtocratical, where the laſt is not hereditary, but annually elective. Our author's next argument is ſtill more groſsly erroneous. If any great man arrives at "ſo much power and confidence as to think of "uſurping, theſe are the firſt that will ſet him on,

" mingle intereſts with him, and become the " prime inſtruments in heaving them up into the " ſeat of tyranny." It is true, that ſome few individuals of a nobility may join ſuch a man in his conſpiracy, in hopes of enjoying high ſtations and great emoluments under him; but ſuch an uſurpation was never ſet on foot by a body of nobility: it has ever been the people who have ſet up ſingle deſpots, in oppoſition to the body of the nobility; and it is the people who have furniſhed the men and money to ſupport the ſtanding army by which he is defended. If any one example of the contrary is to be found, it has eſcaped a diligent enquiry.

It is very unneceſſary to produce "examples, to " ſhew that ſtates have loſt their liberties by permitting one or a few to be over great." Every monarchy, oligarchy, and ariſtocracy, is an inſtance and a proof of it. The very notion of a free people's loſing their liberties, implies the ſetting up one or a few with too much power. This will be readily admitted; but it is contended, that the people in a ſimple democracy, collectively or by repreſentation, are neceſſarily the moſt addicted to ſetting up individuals with too much power. To ſay that it is their duty not to do it; that their happineſs forbids it; that their intereſt is againſt it; that their liberty will be ruined by it, is to exhort and to preach to be ſure. The clergy exhort and preach in favour of religion and morality, and againſt prophaneneſs and vice; but there are numbers, multitudes, we find, who will not regard them; and laws, checks, power, are the only ſecurity againſt theſe. The thirty tyrants of Athens, Piſiſtratus, Hiero of Syracuſe, Dionyſius and Agathocles of Sicily, are very oddly introduced here, when every deſ-

potiſm,

potiſm, empire, monarchy, oligarchy, and ariſtocracy, that ever had a being, is as much to the purpoſe. Melius and Manlius are cited very improperly. The Decemviri, Sylla, Cæſar, are no more to the purpoſe than all tyrannies or abſolute governments; all of which are proofs of the people's indiſcretion, and conſtant diſpoſition to ſet up idols, as much as they are of the danger of permitting individuals to be too powerful.

Florence and Coſmus, Milan and Switzerland, and Holland and the family of Orange, are all proofs againſt our author. There is not a ſtronger inſtance to be found than the houſe of Orange, which has been ſupported by the people, I mean the plebeians, againſt the ariſtocracy, and who in their courſe have ſacrificed to their deified protectors, Barnevelts, Grotius's; and De Witts's, patriots, that one need not ſcruple, to compare to Ariſtides's, Phocions, and Camillus's; and, horrid as the ſacrifice has been, one need not ſcruple to ſay, that all the liberty there has been in Holland for the common people, has been preſerved by this alliance between the houſe of Orange and them, againſt the encroaching diſpoſition of the ariſtocracy, as much as the liberties of Sparta were preſerved by the oath of the kings and Ephori. It would, nevertheleſs, be an infinite improvement, if the power of the prince and common people were defined, limited, and made conſtitutional and legal.

The author's principle is excellent and eternal, "to keep any man, though he have deſerved never ſo well by ſucceſs or ſervice, from being too great or popular;"—"it is indeed a notable means (and ſo eſteemed by all free ſtates) to keep and preſerve a commonwealth from the rapes of uſurpation."—

But

But the queſtion between us ſtill is, how it is to be done? In a ſimple ariſtocracy it is impoſſible; with all their pride, jealouſy, and envy, ſome one, and ſome few of the nobles, obtain more influence than the reſt, and would ſoon obtain all power, if ballots and rotations, and innumerable intricate contrivances were not uſed to prevent it. In a ſimple democracy no ballots or rotations can prevent it; one ſingle tyrant will rule the whole commonwealth at his pleaſure, reſpecting forms and appearances a little at firſt, but preſently throwing off all reſtraint. How can you prevent a man in ſuch a government from being too popular? There can be nothing to prevent him from making himſelf as popular as his abilities, fortune, or birth, will enable him to be; nothing to prevent him from employing the whole executive and judicial power: nothing to prevent him from applying the puplic purſe to the augmentation of his own popularity and power: in ſhort, nothing but the mixture we contend for can prevent it. The King and lords are intereſted to prevent any commonor from being too popular and powerful; the King and commons are intereſted to keep any lord from being too popular and powerful; and the lords and commons are intereſted to prevent the king from being too popular and powerful, and they always have the means. There is not a ſtronger argument againſt our author's form, nor in favour of the triple compoſition.

The fourteenth and laſt reaſon is, "becauſe in "this form all powers are accountable for miſ-"demeanors in government, in regard of the "nimble returns and periods of the people's "election; by which means he that ere while "was

" was a governor, being reduced to the condition " of a ſubject, lies open to the force of the laws, " and may with eaſe be brought to puniſhment " for his offence."

In a free government, whoſe legiſlature conſiſts of three independent branches, one of which has the whole executive, this is true. Every member of the two houſes is as amenable to the laws as his pooreſt fellow-citizen: the king can do nothing but by miniſters, who are accountable for every act they do or adviſe; and this reſponſibility is efficacious to protect the laws from being trampled on by any perſon or perſons, however exalted in office, reputation, or popularity. But in our author's " Right Conſtitution" no member can be reſponſible to any but his conſtituents; and by means of the influence of the executive power and the offices it beſtows, by means of perverſions of the judicial power, and even of the public treaſure, which his party will aſſiſt him in applying to his purpoſe, he will be able to procure a pardon among his conſtituents in a ſingle city or borough, and a re-election; nay, he will be able to procure applauſe and rewards for that very criminal conduct which deſerved puniſhment. There is no form of government, not even an abſolute monarchy, where a miniſter will find it ſo eaſy to elude enquiry;—recollect the inſtance in Poland.

" He that was once a governor, will generally " continue always a governor, becauſe he will apply " all the executive and judicial authority, and even " the public money, as well as his perſonal and fa- " mily influence, to increaſe that party in the legiſ- " lature," i. e. the ſingle aſſembly, upon whoſe ſupport he depends.—By a governor here is no doubt intended a perſon appointed by the aſſembly to manage the executive power. Such a governor

vernor will generally be continued; but if he is not, he will be ſucceeded by another of the ſame party, who will ſcreen and ſupport him, while he again takes his ſtation in the houſe, and ſupports or rules his ſucceſſor. But if oppoſition prevails in the houſe and nation, and the minority becomes the majority, they will be ſo weak as not to dare to look back and puniſh; and if they do, this will again render them unpopular, and reſtore the reins to their antagoniſt: in this way, after a few vibrations of the pendulum, they muſt have recourſe to arms to decide the conteſt. Theſe conſequences are ſo obvious and indiſputable, that it is amazing to read the triumphant aſſertions which follow. "Such a courſe as this cuts "the very throat of tyranny, and doth not only "root it up when at full growth, but cruſheth "the cocatrice in the egg, deſtroys in the ſeed, in "the principle, and in the very poſſibilities of its "being for ever after."—"The ſafety of the people "is," indeed, "the ſovereign and ſupreme law!" and if "laws are diſpenſed by uncontroulable, "unaccountable perſons in power, they will never "be interpreted but in their own ſenſe, nor execut-"ed but after their own wills and pleaſure." But it is unaccountable that our author did not ſee that it is preciſely in his Right Conſtitution of a Commonwealth that we are to expect ſuch uncontroulable and unaccountable perſons, at leaſt as certainly as in a ſimple monarchy or ariſtocracy. The only "eſtabliſhment" then, in which we may depend upon the reſponſibility of men in power, and upon their being actually called to account, and puniſhed when they deſerve it, is the tripartite balance, the political trinity in unity, trinity of legiſlative, and unity of executive power, which in politics is no myſtery. This alone is "the im-

"pregnable

" pregnable bulwark of the people's ſafety, be-
" cauſe without it no certain benefit can be ob-
" tained by the ordinary laws." This alone is
" the bank againſt inundations of arbitrary pow-
" er and tyranny."

Our author aſſerts very truly, " that all ſtand-
" ing powers" (meaning unlimited, unbalanced, ſtanding powers, as hereditary ſimple monarchies and ariſtocracies) " have, and ever do aſſume unto
" themſelves an arbitrary exerciſe of their own
" dictates at pleaſure, and make it their only in-
" tereſt to ſettle themſelves in an unaccountable
" ſtate of dominion; ſo that, though they commit
" all the injuſtice in the world, their cuſtom hath
" been ſtill to perſuade men, partly by ſtrong pre-
" tence of argument, and partly by force, that
" they may do what they liſt; and that they are
" not bound to give an account of their actions
" to any but to God himſelf."—This is perfectly true, and very important. But our author did not conſider, that the leading men in a ſingle popular aſſembly will make it their intereſt to ſettle themſelves in a ſtate of dominion; that they will perſuade men, by ſtrong pretence of argument, by force, by the temptations of offices, civil, military, fiſcal, and eccleſiaſtical, and by the allurements and terrors of judgments in the executive courts of juſtice, to connive at them while they do what they liſt, and to believe them God's vicegerents. Our author forgets, that he who makes biſhops and judges, may have what goſpel and law he pleaſes; and he who makes admirals and generals, may command their fleets and armies. He forgets that one overgrown Segamore in the houſe, with his circle of ſubordinate chieftains, each with his clan at his heels, will make biſhops, judges, admirals, generals, governors of provinces,

provinces, &c. in as great number, and with as much facility, as an abſolute monarch. This inadvertence in our author is the more remarkable for what follows. "This doctrine of tyranny hath "taken the deeper root in men's minds, becauſe the "greateſt part (i. e. the greateſt part of mankind) "was ever inclined to adore the golden idol of "tyranny in every form; by which means the "rabble of mankind being prejudicated in this "particular, and having placed their corrupt hu-"mour or intereſt in baſe fawning, and the favour "of the preſent great ones, therefore, if any re-"ſolute ſpirit happen to broach and maintain true "principles of freedom, or do at any time ariſe "to ſo much courage as to perform a noble act of "juſtice, in calling tyrants to an account, pre-"ſently he draws all the enmity and fury of the "world about him." It is really aſtoniſhing that any man could write theſe words, and not ſee that they totally overthrow the whole ſyſtem of government that he calls the Right Conſtitution of a Commonwealth. "The greateſt part of men "was ever inclined to adore the golden idol;" yet his Conſtitution places the golden idol in the midſt of the people, without any check or reſtraint, that they may fall down and worſhip as ſoon as they will. He places all power in the hands of that very "rabble of mankind," who have "prejudicated in favour of tyranny:" he places "great ones" in the midſt of theſe, who "have "placed their corrupt humour and intereſt in baſe "fawning, and the favour of thoſe preſent great "ones. Human nature is not honoured by this account of it, nor has it juſtice done it. Without ſuppoſing the majority ſo bad, if we ſuppoſe one third or one quarter of this character, and another third or quarter indifferent, neutral, luke-

warm,

warm, or even enough in love with private life and their own induſtry to ſtay at home at elections, this is enough to demonſtrate the tyranny and ruin to which ſuch a ſimple democracy would ruſh. But our author's device for extricating himſelf out of this difficulty is more curious ſtill. Although the greateſt part of men always incline to worſhip the golden calf Tyranny, yet "in commonwealths it is, and ought to be, otherwiſe. "The Greeks and Romans were wont to heap all "the honours they could invent, by public rewards, conſecrations of ſtatues, and crowns of "laurel, upon ſuch worthy patriots as had the "courage to call tyrants to account." Here he can only mean the ſtories of Harmodius and Ariſtogeton, Brutus and Caſſius; ſo that all the ſecurity which freedom is to have is, that as ſoon as a great one ariſes in his aſſembly, and the majority begin to fawn, ſome Harmodius or Caſſius will ariſe to aſſaſſinate him. But we know that the murder of Hipparchus only inflamed Hippias, and that of Cæſar entailed the empire in his family, and the murder of Alexander by Lorenzo completed the deſpotiſm of the Medici. The ill ſucceſs of liberty, in thoſe inſtances, ought to be a warning againſt ſuch attempts in future, rather than precedents on which to build all the hopes of the cauſe of liberty. The right of a nation to kill a tyrant, in caſes of neceſſity, can no more be doubted, than that to hang a robber, or kill a flea: but killing one tyrant only makes way for a worſe, unleſs the people have ſenſe, ſpirit, and honeſty enough to eſtabliſh and ſupport a conſtitution guarded at all points againſt tyranny; againſt the tyranny of the one, the few, and the many. Let it be the ſtudy, therefore, of lawgivers and philoſophers, to enlighten the people's

underſtandings, and improve their morals, by good and general education; to enable them to comprehend the ſcheme of government, and to know upon what points their liberties depend; to diſſipate thoſe vulgar prejudices and popular ſuperſtitions that oppoſe themſelves to good government; and to teach them that obedience to the laws is as indiſpenſable in them as in lords and kings.

Our author contends, "that the honours decreed "to tyrannicides by the Greeks and Romans, were "beſtowed out of a noble ſenſe of commonweal "intereſt; knowing that the life of liberty conſiſts "in a ſtrict hand and zeal againſt tyrants and ty-"ranny:" but he ſhould have recollected, that in Rome theſe honours were decreed to ſenators, for ſupporting the ſtanding authority of an hereditary ſenate againſt ſingle men who aſpired to popular favour, but never in any inſtance in ſupport of ſuch a government as he contends for. In Greece too, there is no inſtance of any honors decreed for deſtroying tyrants, in defence of any ſuch government. The government of Athens was as different as poſſible from that of a ſingle aſſembly of ſucceſſive repreſentatives of the people. It is agreed that "perſons in power cannot be kept "from all occaſions of tyranny better than by leav-"ing them liable to account;" but it is denied that perſons in power can ever be brought to account, unleſs by aſſaſſination (which is no account at all) in a government by a ſingle ſovereign aſſembly: and it is aſſerted that this "happineſs "was never ſeen yet under the ſun, by any law or "cuſtom eſtabliſhed, ſave only in thoſe ſtates "where all men are brought to taſte of ſubjection "as well as rule," αρχειν και αρχεσθαι, by a government of three branches reciprocally dependent on each other.

"In

"In Switzerland the people are free indeed, "becauſe all officers and governors in the cantons "are queſtionable by the people in their ſucceſ- "ſive aſſemblies." What does he mean? in the ariſtocratical aſſemblies? The people have no aſſemblies, and officers are called to account only in ſtanding councils. In the democratical cantons there is nothing to account for but milk and cheeſe. But why ſhould England be forgotten, where all officers are queſtionable, and often have been queſtioned, by the people in their ſucceſſive aſſemblies; and where the judicature in parliament is digeſted with infinitely more prudence than in any canton in Switzerland, or any other republic in the world.

It is agreed that "freedom is to be preſerved "no other way in a commonwealth, but by keep- "ing officers and governors in an unaccountable "ſtate;" but it is inſiſted, that all "ſtanding "powers" in the Engliſh conſtitution, as the lords and miniſters who conduct the prerogative of the crown, may at any time be called to account without the leaſt "difficulty, or involving the "nation in blood and miſery." But it is denied that powerful men, in our author's "Right Con- "ſtitution," can be called to account, without the utmoſt difficulty, and danger of involving the nation in blood and miſery; and therefore it is concluded, that the Engliſh conſtitution is infinitely preferable to any ſucceſſion of the ſingle ſupreme aſſemblies of the repreſentatives of the people.

Our author having eſtabliſhed his building upon fourteen ſolid pillars, as he ſeems to think, proceeds to anſwer objections.—The firſt objection is, "that ſuch a government would ſet on levelling "and confuſion." By levelling, he underſtands "le- "velling

" velling all men in point of eſtates ;"—" making " all things common to all ;"—" deſtroying pro- " perty ;"—" introducing a community of enjoy- " ments among men." This he allows to be " an " odious thing, a ſcandal faſtened by the cunning of " the common enemy upon this kind of government, " which they hate above all others." We are not then put to the trouble of examining the whim- ſies of Plato or Xenophon, about a community of goods, wives, and children ; nor thoſe of Sir Thomas More, about a community of property only. He aſſerts, that his project is " ſo far from " introducing a community, that it is the only " preſervative of property in every particular." It is agreed that it would not introduce levelling, nor a community of goods, unleſs the poor ſhould be more numerous than the rich, and riſe for a diviſion. But even this would produce but a temporary level ; the new acquiſitions would ſoon be ſpent, and the inequality become as great as ever ; and there muſt be a perpetual ſucceſſion of diviſions and ſquanderings, until property became too precarious to be ſought, and univerſal idle- neſs and famine would end it. But the penny- leſs, though more numerous, would probably never unite ; and the principals of the majority would make uſe of the moſt artful among them in ſtrip- ping, by degrees, the minority, and accumulating for themſelves : ſo that inſtead of levelling, and community of goods, the inequalities both of power and property would be conſtantly increaſ- ing, until they became as great as in Poland be- tween the gentlemen and peaſants. But it is de- nied that this would be a preſervative of property ; on the contrary, property muſt become inſecure. The ruling party, diſpoſing of all offices, and annexing what ſalaries and fees they will ; laying

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on all taxes, and diſtributing them according to their ideas of juſtice and equality; appropriating the public money to what uſes they will, and deciding all cauſes in the courts of juſtice by their own judgments; in all theſe ways, themſelves and their partiſans will be found continually growing in wealth, and their antagoniſts, the minor party, growing poorer; theſe laſt can have no ſecurity of property at all. This will not be prevented nor alleviated by thoſe handſome words of our author: "It is not in reaſon to be imagined, that ſo "choice a body as the repreſentatives of a na- "tion, ſhould agree to deſtroy one another in "their ſeveral rights and intereſts." A majority would be found to agree to deſtroy the rights and intereſts of the minority; and a man's property is equally inſecure, whether it is plundered by an arbitrary lawleſs minority, or by a domineering decemvirate, triumvirate, or ſingle deſpot. "All de- "terminations being carried by common conſent, "every man's particular intereſt muſt needs be "fairly provided for againſt the arbitrary diſpo- "ſitions of others." If common conſent means unanimous conſent, there might be ſome plauſibility in this: but, as unanimity is impoſſible, and common conſent means the vote of the majority, it is ſelf-evident that the latter are at the mercy of the former; and the government of the latter being unbalanced by any equal force, intereſt, paſſion, or power, is as real a tyranny as the ſovereignty of an hereditary ſenate, or thirty tyrants, or a ſingle deſpot. Our author himſelf confeſſes this in ſo many words, when he ſays, that whatever "placeth every man's right under the will of "another, is no leſs than tyranny,"—"ſeating "itſelf in an unlimited, uncontroulable preroga- "tive over others, without their conſent," and

"is

" is the very bane of property." Is not the property, liberty, and life of every man in the minority under the will of the majority? and may not the majority ſeat themſelves in an unlimited, uncontroulable prerogative over the minority without their conſent?

Our author then runs all over the world in ſearch of examples, and affirms, that " a free ſtate, " or ſucceſſive government of the people," &c. expreſſions which he always explains to mean his Right Conſtitution of a Commonwealth, " or ſupreme repreſentative aſſembly," the ſame with Mr. Turgot's, all authority collected into one centre, the nation, " is the only preſervative of " property, as appears by inſtances all the world " over," This is a ſpecies of ſophiſtry, groſsly calculated to deceive the moſt ignorant of the people, that is unworthy of ſo great and good a cauſe as that of liberty and republican government. This aſſertion is ſo wide from the truth, that there was not in the world, nor had been, one example of ſuch a government, excepting the long paaliament; for the Italian republics, which reſembled it the moſt, were ſtill better conſtituted. We know what became of the long parliament; Oliver ſoon found they were ſelf-ſeekers, and turned them out of the houſe.

The reader is next led on, through a ſeries of examples, in a very curious ſtrain of popular rant, to ſhew that monarchies and all ſtanding powers, have been levellers. " Under monarchs, ſubjects had " nothing that they could call their own; neither " lives, nor fortunes, nor wives, nor any thing " elſe that the monarchs pleaſed to command, be- " cauſe the poor people knew no remedy againſt " the levelling will of an unbounded ſovereignty." —" In France," it is aſſerted, " the people have

" no

" no property, but all depends on the royal plea-
" ſure, as it did lately in England." The truth now almoſt breaks out, and he almoſt confeſſes that he ſees it. " It is very obſervable, that in king-
" doms, where the people have enjoyed any thing
" of liberty and property, they have been ſuch
" kingdoms only, where the frame of government
" hath been ſo well tempered, as that the beſt
" ſhare of it hath been retained in the people's
" hands." If he had ſaid an equal ſhare, inſtead of the beſt ſhare, this ſentence would have been perfect; but he ſpoils it in the next breath, by adding, " and by how much the greater influence
" the people have had therein, ſo much the more
" ſure and certain they have been in the enjoy-
" ment of their property." This is by no means true; on the contrary, wherever the people have had any ſhare in the executive, or more than one third part of the legiſlative, they have always abuſed it, and rendered property inſecure.

The Arragonians are quoted as " firm in their
" liberties and properties, ſo long as they held
" their hold over their kings in their ſupreme
" aſſemblies." " And no ſooner had Philip the
" ſecond deprived them of their ſhare in the
" government, but themſelves and their proper-
" ties became a prey to the will and pleaſure of
" their kings." It is aſtoniſhing that Arragon ſhould be quoted as an example of a government of the people in their ſupreme ſucceſſive aſſemblies. If it is to be called a republic, it was ſuch another as Poland; it was what is ſometimes called a mixed monarchy, and ſometimes a limited monarchy: but as no judgment of a government can be formed by the name that is given it, we may ſafely pronounce it an ariſtocracy. Much pains were taken to balance it, but ſo awkwardly

and

and unſkilfully, that its whole hiſtory is a ſcene of turbulence, anarchy, and civil war. The king was, among the twelve rich men, little more than primus inter pares, like the king among his twelve archons in Phæacia. Although the royal dignity was hereditary, and Arragon was never an elective kingdom, yet the confirmation of the ſtates to the title of the next heir was held neceſſary; and it was highly reſented if he aſſumed the royal title, or did any public act, before he had taken an oath to preſerve the privileges of the ſtates. When any diſpute aroſe concerning the ſucceſſion, the ſtates, took upon them to decide it. One awkward attempt to balance the influence of the king was the inſtitution of a chief juſtice*, to whom appeals might be made from the king. This judicial authority was impowered to controul the king if he acted illegally; and this high officer was accountable only to the ſtates for whatever he did in the execution of his office. This was a very powerful check. Another attempt to form a balance againſt the royal authority has been celebrated as one of the moſt ſublime and ſentimental inſtructions of liberty. If it had been an inſtitution of the body of the people, it would have been the moſt manly and noble aſſertion of the rights and natural and moral equality of mankind to be found in hiſtory, and would have merited immortal praiſe; but, in fact and effect, it was no more than a brilliant expreſſion of that ariſtocratical pride which we have ſeen to be ſo common in all the nations of the earth. At the inauguration of the monarch, the chief juſtice was ſeated in his robes, on an elevated tribunal, with his head covered: the king appeared before him bare-headed, fell down upon his knees, and

* El juſticia de Arragon.

ſwore

ſwore to govern according to law, and to maintain the privileges of the ſtates. Proclamation was then made, in the name of the aſſembly of the ſtates—"We, who are as good as you are, have "accepted you for our king and lord, upon con- "dition that you obſerve our laws and protect "our liberties*." But who were theſe noble aſſertors of rights? Not the people. And whoſe liberties were aſſerted? Not thoſe of the people, but of a few gentlemen. The men of property, who in general had acquired their eſtates by their ſwords, were called rich men†, or barons; for whatever titles were afterwards introduced by the grants of kings, the right to ſeats and votes in the ſtates aroſe not from the rank or dignities of dukes, marquiſſes, or counts, but was attached to the quality of landholders, rich men, or barons. There were not more than twelve old families who were the original barons, or ricos hombres, of Arragon. In a courſe of time they were diſtinguiſhed into the greater and leſſer nobility: the former were ſuch as were raiſed by the kings to ſuperior titles; the latter were thoſe who retained only their ancient character of landholders. The clergy were repreſented in the ſtates by the prelates, and the greater cities by deputies; but farmers, the mechanics, the merchants, in one word the common people, were, according to the doctrine of Ariſtotle, not admitted to the rank or rights of citizens: they had no ſeat in the ſtates, or any vote in the choice of thoſe who had. The third eſtate, as it was called, or the repreſentatives of cities, was very unſkilfully compoſed: in ſome cities the mayor of courſe repreſented the city;

* Nos que valemos tanto como vos os hazemos nueſtro rey y ſeñor con tal que guardeis nueſtros fueros y libertades, ſi no, no.

† Los ricos hombres.

in others the king appointed the repreſentative; in others it was either by ſome grant of the king, or ſome ſenſeleſs cuſtom of the city, an hereditary right in a ſingle family; and the beſt appointments of all were made by the ariſtocratical regencies of the cities. In ſuch an aſſembly of the ſtates laws were made for the government of the nation; but it was a ſingle aſſembly, and neither eſtate had a negative. If two eſtates agreed, it was a law; and, indeed, the moſt important queſtions, even donations of money, were decided by a majority, and the chief juſtice was the only balance againſt the oppreſſion of any ſubject, or even of the king, and the only guardian of the laws, to ſee them carried into execution. The rich men and the clergy, as well as the king, were ſuch ſtanding powers as always excite our author's invectives; and the third eſtate was as diſtant as poſſible from being an adequate and equitable repreſentative of the people, annually elected. The clergy became generally humble ſervants of the king, and the deputies of cities were often corrupted; ſo that the conteſt was chiefly between the crown and the nobles. In progreſs of time, by gaining over more and more the prelates and deputies of the cities to the intereſt of the crown, it became an over match for the nobility, and made itſelf abſolute. This example, therefore, is as ill-choſen as all the others, and inſtead of ſupporting our author's argument, is deciſive againſt it.

France is the next example, where, "as long "as the people's intereſt bore ſway in their ſu- "preme aſſemblies, they could call their lives "and fortunes their own, and no longer: for all "that have ſucceeded ſince Louis the Eleventh, "followed his levelling pattern ſo far, that in a "ſhort time they deſtroyed the people's property, "and became the greateſt levellers in Chriſten- "dom."

"dom."—It would take up too much time to give in this place a ſketch of the hiſtory of France, to ſhow in detail how inapplicable this example is to the purpoſe of our author. Thoſe who have leiſure and curioſity, may conſult Boulainvilliers, the Abbé de Mably, and Monſieur Moreau; and many moſt beautiful reflections may be found in Lord Bolingbroke's Diſſertation on parties, Letters xiii. xiv. xv. xvi. It is ſufficient here to ſay, that the ſtates-general were compoſed of nobles, clergy, and a third eſtate, all meeting in one aſſembly; that the third eſtate conſiſted of repreſentatives of cities not choſen by the people, but appointed at leaſt by the ariſtocratical regencies; that in ſome places the mayor, in others ſome particular family, held it as an hereditary right: but nothing can be conceived more unlike our author's idea of the people's ſucceſſive ſovereign aſſemblies than theſe ſtates-general. The conſtitution in thoſe times was an unſkilful attempt to reconcile an ill-compounded ariſtocracy with ſimple monarchy; but the ſtates-general conducted like all other ſingle aſſemblies, till they were laid aſide.

England comes next, where, "as long as the "people's intereſt was preſerved by frequent and "ſucceſſive parliaments, ſo long we were in ſome "meaſure ſecure of our properties; but as the "kings began to worm the people out of their "ſhare in government, by diſcontinuing of par-"liaments, ſo they carried on their levelling de-"ſigns to the deſtroying of our properties; and "the oracles of law and goſpel at laſt ſpoke it "out with a good levelling grace, 'that all was "the king's, and that we had nothing we might "call our own.'"

There is at leaſt wit and burleſque humour in thus aſcribing levelliſm to monarchy; and while it

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is conſidered only as rodomontade, there is no objection to it. Nor is there any thing to ſay againſt confounding levelliſm with inſecurity of property; for though the ideas are diſtinct, the things muſt always exiſt together.—From monarchy he proceeds to other ſtanding powers which have all produced errant levellers. "In Athens, "as long as the people kept free, indeed, in an "enjoyment of their ſucceſſive aſſemblies, ſo long "they were ſecure in their properties." But Athens never was free, according to our author's plan of ſucceſſive aſſemblies. Athens never had aſſemblies of repreſentatives. The collective aſſemblies of the people were made ſovereigns, in all caſes whatſoever, by Solon: but they never practiſed it till Ariſtides began, and Pericles compleated the plan; and as ſoon as it exiſted, it began to render property, liberty, and life, inſecure. Yet the ordinary adminiſtration was never conducted in theſe aſſemblies; the ſenate and the Areopagus, and the ten other courts, conducted them: yet with all theſe checks, aſk Demoſthenes and Phocion, and Militiades and Ariſtides, how the ſovereign people behaved.—"After kings were laid "aſide, they erected another form of ſtanding "power in a ſingle perſon, called a governor "(archon), for life, who was accountable for miſ-"demeanors: and yet a trial being made of nine "of them, the people ſaw ſo little ſecurity by "them, that they pitched upon another ſtanding "form of decimal government; and being op-"preſſed by them too, they were caſhiered. The "like miſeries they taſted under the ſtanding "power of thirty, which were a ſort of levellers "more rank than all the reſt, who put to death, "baniſhed, pill'd, and poll'd whom they pleaſed, "without cauſe or exception; ſo that the poor "people,

" people, having been tormented under all the " forms of ſtanding power, were in the end forced, " as their laſt remedy, to take ſanctuary, under the " form of a free ſtate, in their ſucceſſive aſſem- " blies." It is droll enough thus to turn the ſtrain of popular banter upon the royaliſts, by charging kings, perpetual archons, annual archons, the ten archons, the thirty tyrants, &c. as levellers. It was the levelling ſpirit of the nobles, to be ſure, that aboliſhed kings and ſingle archons, and ſet up ten: but the poor people had no hand in it but as paſſive inſtruments. As to the people's taking ſanctuary under the form of a free ſtate, in their ſucceſſive aſſemblies, they never did it: they never ſet up any ſuch government. They did aſſume the ſovereignty, it is true; but Pericles led them to it, only that he might govern them, and he, and ſucceſſive, unprincipled wretches after him, did govern till the commonwealth was ruined. But there was as much levelling at leaſt, indeed much more, under Themiſtocles, Pericles, and Alcibiades, as under kings or archons.

Our author's conſcience was always uppermoſt. He always betrays ſomething which ſhews that he knew very well what the truth was. He judges very rightly here: " And though it may be ob- " jected," ſays he, " that afterwards they fell into " many diviſions and miſeries, even in that form, " yet whoever obſerves the ſtory ſhall find it was " not the fault of the government, but of them- " ſelves, in ſwerving from the rules of a free ſtate, " by permitting the continuance of power in par- " ticular hands; who having an opportunity there- " by to create parties of their own among the " people, did for their own ends inveigle, engage, " and entangle them in popular tumults and di- " viſions. This was the true reaſon of their miſ-

" carriages;

"carriages; and, if ever any government of the "people did miſcarry, it was upon that account." It is plain from this paſſage, that our author was well read, and judged very well upon theſe ſubjects. He knew how it was; but he has not candidly told us what he knew. That they fell into diviſions and miſeries he owns; but denies that it was the fault of the government—it was the fault of themſelves. Is it not the fault of themſelves under all governments, deſpotiſms, monarchies, ariſtocracies, oligarchies, as well as democracies? Was it not the fault of themſelves under their kings, their perpetual archons, their archons for life, their ten archons, as well as under the Piſiſtratidæ, that they were tormented with diviſions and miſeries? The law of nature would be ſufficient for the government of men, if they would conſult their reaſon, and obey their conſciences. It is not the fault of the law of nature, but of themſelves, that it is not obeyed; it is not the fault of the law of nature that men are obliged to have recourſe to civil government at all, but of themſelves, it is not the fault of the ten commandments, but of themſelves, that Jews or Chriſtians are ever known to ſteal, murder, covet, or blaſpheme: but the legiſlator who ſhould ſay, the law of nature is enough, if you don't obey it, it will be your own fault, therefore no other government is neceſſary, would be thought to trifle. We certainly know, from the known conſtitution of the human mind and heart, and from uniform experience, that the law of nature, the decalogue, and all the civil laws, will be violated, if men's paſſions are not reſtrained; and therefore to preſume that an unmixed democratical government will preſerve the laws, is as mad as to preſume that a king or ſenate will do it. If a king or ſenate don't obſerve the laws,

laws, we may ſay it is not the fault of the government, but of themſelves.—What then? We know that themſelves will commit the fault, and ſo will a ſimple democracy, and therefore it is in all theſe caſes the fault of the government as well as of themſelves. The government ſhould be ſo conſtituted, that themſelves cannot commit the fault. Swerving from rules is no more the fault of ſtanding kings and ſenates, than it is of ſtanding or ſucceſſive popular aſſemblies. Of the three, the laſt have the ſtrongeſt diſpoſition to ſwerve, and always do ſwerve the ſooneſt when unbalanced. But the fault of permitting the continuance of power in particular hands, is incurable in the people, when they have the power. The people think you a fool, when you adviſe them to reject the man you acknowledge to be the ableſt, wiſeſt, and beſt, and whom you and they know they love beſt, and appoint another, who is but ſecond in their confidence. They ever did, and ever will continue him, nay, and augment his power; for their love of him, like all their other paſſions, never ſtands ſtill; it conſtantly grows, until it exceeds all bounds. Theſe continual re-elections, this continuance of power in particular men, "gives them an oppor-
"tunity to create parties of their own among the
"people, and for their own ends to inveigle, en-
"gage, and entangle them in popular tumults and
"diviſions." Let me now aſk Marchamont Nedham, or any advocate for his ſyſtem, Do you believe that the people, unbalanced, ever will avoid to confer a continuance of power on their favourites? Do you believe they ever did in any age or country? The anſwer muſt be in the negative. Do you believe it poſſible, from the conſtitution of human nature, that they ever will, any more than that they will univerſally obey the law of nature

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and the ten commandments? The anſwer muſt be in the negative. Why then is the world any longer amuſed with a ſpeculative phantom, that all enlightened men knew never did, and never can, exiſt? My hand is impatient of the pen, and longs to throw it down, while I am labouring through a ſeries of popular ſophiſms, which diſgraces a work which abounds with ſenſe and learning, with excellent principles, maxims, and rules of government, miſerably perverted to anſwer a preſent purpoſe, to run down one party, and ſupport another: but as this book is known in America, and ought to be peruſed by Engliſhmen, in whatever part of the globe, as a valuable monument of the early period in which the true principles of liberty began to be adopted and avowed in the nation, I ſhall purſue the ſubject to the end.——Lacedæmon is next introduced as an inſtance of levelliſm. "After they had tried the government of one "king, then of two, afterwards came in the Epho- "ri, as ſuperviſors of their kings. After they had "tried themſelves through all the forms of a ſtand- "ing power, and found all to be levellers of "the people's intereſt and property, then neceſſity "taught them to ſeek ſhelter in *a free ſtate, under* "*which they lived happily*, till, by the error of the "Athenians, they were drawn into parties by pow- "erful perſons, and ſo made the inſtruments of "diviſion among themſelves, for the bringing of "new *levellers* into play, ſuch as Manchanidas "and Nabis."—The Ephori were ſuperviſors of the ſenate, rather than of kings. They ſwore both for themſelves and the people, to ſupport the kings for ever againſt the enterprizes of the ſenate. But when did the Lacedemonians take ſhelter in a free ſtate? Never, according to our author's definition of a free ſtate, until the Ephori murdered the king, inſtead

inſtead of ſupporting him according to their oath, and until the people ſet up Manchanides and Nobis. And it is always thus: the firſt thing a people, broke looſe from all reſtraints of their power, do, is to look out for a chief, whom they inſtantly make a deſpot in ſubſtance, and very ſoon in form. The government of Sparta was as different from a free ſtate, during the ſix or ſeven centuries that Lycurgus's inſtitution laſted, as the Engliſh conſtitution is, and much more: the people had not half the weight in it. Standing powers, both of king and ſenate, ſtood like Mount Atlas while the republic exiſted, and when the free ſtate ſucceeded, it was the tyranny of Manchanides and Nobis, not better than that of Nero. It is droll enough to call the Spartans levellers, to be ſure; they who ſupported an haughty ariſtocracy at home, and in every other city of Greece where they could negociate. When the inſtitution of Lycurgus was worn out, and the people began to gain in power, they uſed it as the Athenians and all others have done when unbalanced; they ſet up idols, continued and increaſed their power, were drawn into parties and diviſions, and made themſelves inſtruments of diviſion, until deſpotiſm became inevitable.

Rome in her turn comes round. "After the "ſtanding form of kings was extinct, and a new "one eſtabliſhed, the people found as little ſafety "and property as ever." Here the fact is truly ſtated, and the expreſſions are very juſt, "for "the ſtanding ſenate and the decemviri proved "as great levellers as kings." It is burleſque again to call the ſenate and decemviri levellers: they were the very antitheſis. But if by levellers he means arbitrary men, it is very true. "So that "they were forced to ſettle the government of the

" people by a due and orderly ſucceſſion of their " ſupreme aſſemblies." I wonder when. To quote Athens, Sparta, and Rome, as examples of a government of one ſovereign repreſentative aſſembly, is diſhoneſt: nothing can be further from the purpoſe. The ſtanding power of the ſenate exiſted from Romulus to Cæſar, as our author very well knew, and the people never obtained even an effectual check, ſo far from ſettling the government of the people by a due and orderly ſucceſſion of their ſupreme aſſemblies. If they ever reco- " vered their property, in having ſomewhat they " might call their own," they owed the bleſſing to the ſenate's wiſdom and equity, for the people were ſo far from being ſovereign in their ſucceſſive aſſemblies, that they had not an equal ſhare of power with the ſenate, allowing for all the aſſiſtance they derived from the tribunes. But as ſoon as they began to arrogate a ſuperior power, or even an equal ſhare, they began to run into " the error " of Lacedemonians, Athenians," and all other people that ever lived, " ſwerving from the rules " of a free ſtate," or, in other words, trampling on the laws, " lengthening of powers in particular " hands,"—" drawn and divided into parties,"— " to ſerve the luſts of ſuch powerful men as by " craft became their leaders; ſo that by this means, " through their own default, they were deprived " of their liberty long before the days of imperial " tyranny. Thus Cinna, Sylla, Marius, and the " reſt of that ſucceeding gang, down to Cæſar, " uſed the people's favour to obtain a continuation " of power in their own hands; and then having " ſaddled the people with a new ſtanding form of " their own, they immediately rooted up the peo- " ple's liberty and property by arbitrary ſentences " of death, proſcriptions, fines, and confiſcations;

" which

"which ſtrain of *levelling* (more intolerable than "the former) was maintained by the ſame arts of "deviliſh policy down to Cæſar, who ſtriking in "a favourite of the people, and making uſe of "their affections to lengthen power in his own "hands, at length, by this error of the people, "gained opportunity to introduce a new levelling "form of ſtanding power in himſelf, to an utter "and irrecoverable ruin of the Roman liberty and "property."—Thus it is that our author accumulates examples from hiſtory, which are demonſtrations againſt his own ſyſtem, and in favour of the Engliſh and American conſtitutions. A good Engliſhman, or a good American, with the moſt diligent ſearch, could not find facts more preciſely in vindication of thoſe balances to the power of the people, a ſenate, and an executive firſt magiſtrate. Nothing elſe can ever prevent the people from running into the ſame error, and departing from the rules of a free ſtate, and even the fundamental laws.

Florence is again introduced to the ſame purpoſe, and with the ſame ſucceſs; ſo is Piſa; ſo is Mantua, and its ſons Paſſerimo and Gonzaga. You have already ſeen enough of theſe Italian republics to convince you that every page in their hiſtory is againſt our author's ſyſtem. His concluſion is exactly the reverſe of what it ſhould be. It ſhould be, that a commonwealth, by the people in their ſucceſſive aſſemblies, hath never, in any age, been a preſervation of liberty or property, or any remedy againſt uſurpations of ſtanding powers, but had, in all ages, been, in his own ſenſe, *levellers* of all things to the will of a ſtanding deſpot.

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The next chapter is intitled, "The Original of "all juſt Power is in the People."—This book is valuable, as it is ſo ancient a monument of liberty and political knowledge in England. Many of its principles were at that time extremely rare in the world, excepting in England: they have been ſince enlarged on, with great ſucceſs, by Sidney, Locke, Hoadly, Monteſquieu, Roſſeau, Raynall, de Mably, Price, Prieſtley, Beccaria, and many others of various nations, and are now becoming univerſal. It is unneceſſary to abridge this chapter; becauſe, although it contains the hints on which ſucceeding writers have enlarged, their diſcourſes are more ample and more ſatisfactory.

"The firſt error in ancient Chriſtian policy, "which hath indeed been a main foundation of "tyranny, is that corrupt diviſion of a ſtate into "eccleſiaſtical and civil." Our author enlarges upon this error, and his ſpeculations are worth reading; but as this is not likely to be the error of America, I ſhall leave this to be read when ſuch danger approaches.

"The ſecond error is very frequent under all "forms of government. It is this; that care hath "not been taken, upon all occaſions of alteration, "to prevent the paſſage of tyranny out of one form "into another, in all the nations of the world. The "intereſt of abſolute monarchy, and its inconve-"niences, have been viſible and fatal under the "other forms, and given undeniable proof of this "maxim by experience, in all times, *that the in-"tereſt of monarchy may reſide in the hands of many "as well as of a ſingle perſon.*" The intereſt of abſolute monarchy he defines to be, "an unli-"mited, uncontroulable, unaccountable ſtation of "power

" power and authority in the hands of a particular
" perſon, who governs only according to the dic-
" tates of his own will and pleaſure; and though
" it hath often been diſguiſed by ſophiſters in po-
" licy, ſo as it hath loſt its own name by ſhifting
" forms, yet the thing itſelf has been diſcovered
" under the artificial covers of every form, in the
" various revolutions of government. In Athens,
" when they had laid aſide their king, the kingly
" power was retained ſtill in all the after-turns of
" government; for their decimal governors, and
" their thirty tyrants, were but a multiplied mo-
" narchy, the people being in a worſe condition
" than before; for their kings had ſuperviſors,
" and ſenatic aſſemblies, that did reſtrain and cor-
" rect them; but the governors having none, ran
" into all the heats, and fits, and wild extrava-
" gances, of an unbounded prerogative. Neceſ-
" ſity and extremity opening the people's eyes,
" they at length ſaw all the inconveniences of
" kingſhip wrapt up in new forms, and rather in-
" creaſed than diminiſhed; ſo that, as the only
" remedy, they diſſodged the power out of thoſe
" hands, putting it into their own, and placing
" it in a conſtant orderly revolution of perſons
" elective by the community. And now, one
" would have thought there was no ſhelter for a
" monarchal intereſt, under a popular form too:
" but alas! They found the contrary; for *the*
" *people not keeping a ſtrict watch over themſelves,*
" *according to the rules of a free ſtate*, but being
" *won by ſpecious pretences*, and *deluded by created*
" *neceſſities*, to intruſt the management of affairs
" into ſome particular hands, ſuch an occaſion was
" given thereby to thoſe men to frame parties of
" their own, that by this means they in a ſhort
" time became able to do what they liſt without

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" the people's conſent; and, in the end, not only " diſcontinued, but utterly extirpated, their ſuc- " ceſſive aſſemblies."—I have given this at length in our author's own words, becauſe it is an exact compendium of the whole hiſtory of Athens, and ſhews that he had read it attentively, and underſtood it perfectly well; and becauſe it is a complete refutation of his own ſyſtem, his Right Conſtitution of a Commonwealth. Abſolute monarchy, unlimited power, in a particular perſon, who governed by his own will, run through all the hiſtory and changes in Athens, according to his own account, even when the people had placed the ſupreme power in an orderly revolution of perſons elective by themſelves. Why? " Becauſe " the people did not keep a watch over them- " ſelves." Did any other people keep a ſtrict watch over themſelves? Will any people ever keep a ſtrict watch over themſelves. No, ſurely. Is not this, then, a ſufficient reaſon for inſtituting a ſenate to keep a ſtrict watch over them? Is not this a ſufficient reaſon for ſeparating the whole executive power from them, which they know will and muſt corrupt them, throw them off their guard, and render it impoſſible to keep a ſtrict watch over themſelves? " They did not obſerve the rules " of a free ſtate." Did any people, that ever attempted to exerciſe unlimited power, obſerve the rules of a free ſtate? Is it poſſible they ſhould, any more than obey, without ſin, the law of nature and nature's God? When we find one of theſe ſorts of obedience, we may expect the other. If this writer had been one of the enthuſiaſts of that day, and told the people they muſt pray to God for his omnipotent grace to be poured out upon them, diſtinguiſh them from all the reſt of mankind as his favourite people, more even than the

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Jews were, that they might be enabled to obſerve the rules of a free ſtate, though all hiſtory and experience, even that of the Hebrews themſelves, and the conſtitution of human nature, proved it impoſſible without a miracle; or if he had told them that they were a choſen people, different from all other men, numbers would have believed him, and been diſappointed: for it is impious preſumption to ſuppoſe that Providence will thus diſtinguiſh any nation; but it would have been more ſenſible than thus to acknowledge in effect, as he does repeatedly, the impracticability of his ſcheme, and ſtill inſiſt upon it. "The people "were won by ſpecious pretences, and deluded "by created neceſſities, to intruſt the manage- "ment of affairs into ſome particular hands." And will not the people always be won by ſpecious pretences, when they are unchecked? Is any people more ſagacious or ſenſible than the Athenians, theſe ten thouſand citizens, who had four hundred thouſand ſlaves to maintain them at leiſure to ſtudy? Will not a few capital characters in a ſingle aſſembly always have the power to excite a war, and thus create a neceſſity of commanders? Has not a general a party of courſe? Are not all his officers and men at his devotion, ſo long as to acquire habits of it? When a general ſaves a nation from deſtruction, as the people think, and brings home triumph, peace, glory, and proſperity to his country, is there not an affection, veneration, gratitude, admiration, and adoration of him, that no people can reſiſt? It is want of patriotiſm not to adore him—it is enmity to liberty—it is treaſon. His judgment, which is his will, becomes the only law; reaſon will allay a hurricane as ſoon; and if the executive and judicial power are in the people, they at once give him

him both, in ſubſtance at firſt, and not long afterwards in form. The repreſentatives loſe all authority before him: if they diſoblige him, they are left out by their conſtituents at the next election, and one of his idolators is choſen.

" In Rome, alſo, the caſe was the ſame, under " every alteration; and all occaſioned by the " crafty contrivances of grandizing parties, and " the people's own frailty and negligence in ſuf- " fering themſelves to be deluded: for with the " Tarquins (as it is obſerved by Livy and others) " only the name king was expelled, but not the " thing; the power and intereſt of kingſhip was ſtill " retained in the ſenate, and engroſſed by the con- " ſuls: for beſides the rape of Lucretia, among " the other faults objected againſt Tarquin, this " was moſt conſiderable, that he had acted all " things after his own head, and diſcontinued " conſultations with the ſenate, which was the " very height of arbitrary power; but yet as ſoon " as the ſenate was in the ſaddle, they forgot what " was charged by themſelves upon Tarquin, and " ran into the ſame error, by eſtabliſhing an arbi- " trary, hereditary, unaccountable power in them- " ſelves and their poſterity, not admitting the " people (whoſe intereſt and liberty they had " pleaded) into any ſhare in conſultation or go- " vernment, as they ought to have done, by a " preſent erecting of their ſucceſſive aſſemblies: " ſo that you ſee the ſame kingly intereſt, which " was in one before, reſided then in the hands of " many. Nor is it my obſervation only, but " pointed out by Livy, in his ſecond book, and in " many other places, 'Cum á patribus, non con- " ſules ſed carnifices, &c.' when the ſenators ſtrove " to create, not conſuls, but executioners and tor- " mentors, to vex and tear the people, &c. And

" in

" in another place of the ſame book, ' Conſules,
" immoderata, infinitaque poteſtate, omnes metus
" legum, &c.' the conſuls, having an immode-
" rate and unlimited power, turned the terror of
" laws and puniſhments only upon the people
" themſelves, (in the mean while) being account-
" able to none but themſelves, and their confe-
" derates in the ſenate. Then the conſular go-
" vernment being caſhiered, came on the decem-
" viri: ' Cum conſulari imperio ac regio, ſine
" provocatione,' ſaith my author; being inveſted
" with a conſular and kingly power, without ap-
" peal to any other. And in his third book he
" ſaith, ' Decem regum ſpecies erat,' it was a
" form of ten kings; the miſeries of the people
" being increaſed ten times more than they were
" under kings and conſuls. For remedy, there-
" fore, the ten were caſhiered alſo; and conſuls be-
" ing reſtored, it was thought fit, for the bridling
" of their power, to revive alſo the dictatorſhip,
" which was a temporary kingſhip, uſed only now
" and then upon occaſion of neceſſity; and alſo
" thoſe deputies of the people, called tribunes,
" which one would have thought had been ſuf-
" ficient bars againſt monarchic intereſt, eſpecially
" being aſſiſted by the people's ſucceſſive aſſem-
" blies: but yet, for all this, the people were
" cheated through their own neglect, and beſtow-
" ing too much confidence and truſt upon ſuch as
" they thought their friends; for when they
" ſwerved from the rules of a free ſtate, by length-
" ening the dictatorſhip in any hand, then mo-
" narchic intereſt ſtept in there as it did under
" Sylla, Cæſar, and others, long before it return-
" ed to a declared monarchial form; and when
" they lengthened commands in their armies, then
" it crept in there, as it did under the afore-named

" perſons, as well as Marius, Cinna, and others " alſo, and even Pompey himſelf; not forgetting " the pranks of the two triumvirates, who all " made a ſhift under every form, being ſometimes " called conſuls, ſometimes dictators, and ſome- " times tribunes of the people, to outact all the " flagitious enormities of an abſolute monarchy." —This valuable paſſage, ſo remarkable as an abridgment of the Roman hiſtory, as containing the eſſence of the whole that relates to the conſtitution, as a profound judgment of what paſſes in all ſocieties, has been tranſcribed in the author's own words; and, it may be truly ſaid, it contains a full confutation of his own ſyſtem, and a complete proof of the neceſſity of the compoſition of three branches. It is ſtrictly true, that there is a ſtrong and continual effort in every ſociety of men, ariſing from the conſtitution of their minds towards a kingly power; it is as true in a ſimple damocracy, or a democracy by repreſentation, as it is in ſimple ariſtocracy, ogligarchy, or monarchy, and in all poſſible combinations and mixtures of them. This tendency can never be eradicated; it can only be watched and controuled: and the whole art of government conſiſts in combining the powers of ſociety in ſuch a manner, that it ſhall not prevail over the laws. The excellence of the Spartan and Roman conſtitutions lay in this; that they were mixtures which did reſtrain it, in ſome meaſure, for a long period, but never perfectly. Why? Becauſe the mixture was not equal. The balance of three branches is alone adequate to this end; and one great reaſon is, becauſe it gives way to human nature ſo far, as to determine who is the firſt man. Such is the conſtitution of men's minds, that this queſtion, if undecided, will for ever diſorder the ſtate. It is

a queſtion

a queſtion that muſt be decided, whatever blood or wounds it may occaſion, in every ſpecies of gregarious animals as well as men. This point, in the triple diviſion of power, is always determined; and this alone is a powerful argument in favour of ſuch a form. Our author's Right Conſtitution is the worſt of all poſſible forms in this reſpect: there are more pretenders; the choice of means is multiplied; the worſt men have too much influence in the deciſion, more, indeed, than the beſt; and the whole executive and judicial powers, and the public treaſure too, will be proſtituted to the deciſion of this point. In the ſtate of nature, when ſavage brutal man ranged the foreſts with all his fellow-creatures, this mighty conteſt was decided with nails and teeth, fiſts, ſtones, and clubs, in ſingle combats, between all that dared to pretend. Amidſt all the refinements of humanity, and all the improvements of civil life, the ſame nature remains, and war, with more ſerious and dreadful preparations, and rencounters of greater numbers, muſt prevail, until the deciſion takes place. "The people" ſays our author, "were cheated through their own neglect, and "beſtowing too much confidence and truſt upon "ſuch as they thought their friends." And could he quote an inſtance from all hiſtory of a people who have not been cheated; who have not been negligent; who have not beſtowed too much confidence and truſt upon ſuch as they thought their friends; who have not ſwerved from the rules of a free ſtate, by lengthening power in hands that hold it? Can he give a plauſible reaſon to hope that ſuch a people will ever appear? On the contrary, is it not demonſtrable that ſuch a people is impoſſible, without a miracle and a renovation of the ſpecies. Why, then, ſhould the people be bribed

bribed to betray themſelves? Putting the executive power into their hands is bribing them to their own deſtruction; putting it into the hands of their repreſentatives is the ſame thing, with this difference for the worſe, that it gives more opportunity to conceal the knavery: giving the executive power to the ſenate is nearly the ſame, for it will be in that caſe uſed in bribes, to elevate certain ſenatorial families. All projects of government, formed upon a ſuppoſition of continual vigilance, ſagacity, virtue, and firmneſs of the people, when poſſeſſed of the exerciſe of ſupreme power, are cheats and deluſions. The people are the fountain of power; they muſt, in their conſtitution appoint different orders to watch one another, and give them the alarm in time of danger. When a firſt magiſtrate, poſſeſſed of the executive, can appeal to the people in time of danger; when a ſenate can appeal to the people; and when a houſe of commons can appeal to the people; when it is the intereſt of each, in its turn, to appeal to the people; when ſelf-preſervation cauſes ſuch appeal; then, and then only, can the people hope to be warned of every danger, and be put conſtantly on their guard, kept conſtantly vigilant, penetrating, virtuous, and ſteady: when their attention, too, is fixed only upon the preſervation of the laws, and they cannot be diverted, like apes, by throwing the nuts of the executive power among them, to divide them. When they have any thing to do with the executive power, they think of nothing elſe but ſcrambling for offices, and neglect altogether the legiſlature and the laws, which are their proper department. All the flagitious enormities of abſolute monarchy will be practiſed by the democratical

cratical deſpot, triumvirs, decemvirs, who get poſſeſſion of the confidence of the majority.

Florence teſtifies the ſame truth: "Even when "it ſeemed moſt free, it was ever the buſineſs of "one upſtart or other, either in the ſenate or "among the people, to make way to their own "ambitious ends, and hoiſt themſelves into a "kingly poſture through the people's favour; as "Savanarola, Soderino, and the Medici, whoſe "family fixed itſelf in a dukedom. Nor can it "be forgotten how much of monarchy of late "crept into the United Provinces."

The concluſion is, that "ſince the intereſt of "monarchy" (that is, arbitrary power, or the government of men) "may reſide in a conſul as "well as in a king; in a dictator as well as in a "conſul; in the hands of many as well as of a "ſingle perſon; and that its cuſtom hath been to "lurk under every form, in the various turns of "government; it concerns every people, in a ſtate "of freedom, to keep cloſe to the rules of a free "ſtate for the turning out of monarchy, whether "ſimple or compound, both name and thing, in "one or many; ſo they ought ever to have a *re-* "*verend and noble reſpect* of ſuch founders of free "ſtates and commonwealths, as ſhall block up "the way againſt monarchic tyranny, by declar- "ing for the liberty of the people, as it conſiſts "in a due and orderly ſucceſſion of authority in "their ſupreme aſſemblies;" that is, for himſelf, Oliver Cromwell, and their party, for no other ſuch founders of commonwealths had then ever exiſted. The true concluſion from all the reaſoning, and all the examples, under this ſecond head of Error in Policy, ought to have been, that arbitrary power, or the intereſt of monarchy, or the government of men, cannot be prevented, nor

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the government of laws ſupported, but by mixing the powers of the one, the few, and the many, in equal proportions in the legiſlature; by ſeparating the executive from the legiſlative power, and the judical department from both.

The third error in policy is," keeping the peo-
" ple ignorant of thoſe ways and means that are
" eſſentially neceſſary for the perſervation of their
" liberty; for implicit faith and blind obedience
" hath hitherto paſſed current, and been equally
" preſſed and practiſed by grandees, both ſpi-
" ritual and temporal, upon the people."—Under this head our author merits all the approbation and praiſe that can be beſtowed upon him. The inſtruction of the people, in every kind of knowledge that can be of uſe to them in the practice of their moral duties, as men, citizens, and Chriſtians, and of their political and civil duties, as members of ſociety and freemen, ought to be the care of the public, and of all who have any ſhare in the conduct of its affairs, in a manner that never yet has been practiſed in any age or nation. The education here intended is not merely that of the children of the rich and noble, but of every rank and claſs of people, down to the loweſt and the pooreſt. It is not too much to ſay, that ſchools for the education of all ſhould be placed at convenient diſtances, and maintained at the public expence. The revenues of the ſtate would be applied infinitely better, more charitably, wiſely, uſefully, and therefore politically, in this way, than even in maintaining the poor. This would be the beſt way of preventing the exiſtence of the poor. If nations ſhould ever be wiſe, inſtead of erecting thouſands of uſeleſs offices, or engaging in unmeaning wars, they will make a fundament-

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tal maxim of this, that no human being ſhall grow up in ignorance. In proportion as this is done, tyranny will diſappear, kings and nobles will be made to feel their equitable equality with commoners, and commoners will ſee their intereſt and duty to reſpect the guardians of the laws; for guardians they muſt have as long as human nature endures. There is no room to doubt that the ſchools, academies, and univerſities, the ſtage, the preſs, the bar, pulpit, and parliament, might all be improved to better purpoſe than they have been in any country for this great purpoſe. The emanations of error, folly, and vice, which proceed from all theſe ſources, might be leſſened, and thoſe of wiſdom, virtue, and truth, might be increaſed; more of decency and dignity might be added to the human character in high and low life; manners would aſſiſt the laws, and the laws reform manners: and impoſture, ſuperſtition, knavery, and tyranny, be made aſhamed to ſhow their heads before the wiſdom and integrity, decency and delicacy, of a venerable public opinion.—But it is in vain that our author endeavours to throw the blame of impreſſing implicit faith and blind obedience upon grandees ſpiritual and temporal; for the grandees he contends for, both ſpiritual and temporal, I mean the firſt man and other principal members of his ſucceſſive repreſentative aſſemblies, will have as much occaſion to keep the people in ignorance, and more opportunity to conceal truth and propagate falſehood, than thoſe whom he calls ſtanding powers. All intelligence and information will be directed to them; they may conceal what they will, and they will conceal every thing they can from their adverſaries the minority, and even much from their own followers. It is a mixed government alone

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that can bear that truth and knowledge ſhould be communicated freely to the people; and in a mixed government alone can the people compel all men to communicate ſuch information as ought to be laid before them. The majority in a ſingle aſſembly can conceal much from the minority, indeed almoſt what they will; but the crown, nor its miniſters, can conceal any thing from an houſe of repreſentatives which they ought to know.

It is very true, that a people who have declared themſelves "a free ſtate, ſhould know what free-"dom is, and have it repreſented in all its *lively* "*and lovely features*, that they may grow zealous "and jealous over it. They ſhould alſo be "made acquainted, and thoroughly inſtructed in "the means and rules of its preſervation againſt "the adulterous wiles and rapes of any projecting "ſophiſters that may ariſe."—How different from this, alas! is the deplorable ſtate of mankind! "Ce n'eſt, qu'n Angleterre, ou l'on pourroit faire "ni avoir des livres ſur des conſtitutions," ſaid one of the moſt enlightened ambaſſadors in Europe: and it is but a very few years ſince a French gentleman anſwered a foreigner, who enquired for the beſt book upon the conſtitution of France, "Monſieur, c'eſt l'Almanach Royal."

"The fourth error in policy hath been the re-"gulation of affairs by reaſons of ſtate, not by "the ſtrict rule of honeſty."—It is unneceſſary to follow our author through Greece and Italy, the Old Teſtament and the New, through France, Spain, and England, for inſtances of this raggione de ſtato, this kingcraft and prieſtcraft; it is well enough known: but it may be practiſed with more facility in a ſimple democracy than in any other government.

government. The leaders of a majority have only to alledge "reaſon of ſtate" to juſtify themſelves to their partiſans for every ſpecies of tyranny and oppreſſion over the minority, until they become ſtrong enough to alledge the ſame "reaſon of ſtate" to juſtify their tyranny over their own party.

"Permitting of the legiſlative and executive "powers of a ſtate to reſt in one and the ſame "hands and perſons.—By the legiſlative pow- "er we underſtand the power of *making*, *alter-* "*ing*, or *repealing* laws, which, in all well-order- "ed governments, hath ever been lodged in a ſuc- "ceſſion of the ſupreme councils or aſſemblies of "a nation.—By the executive power we mean "that power which is *derived from the other*, and "*by their authority transferred into the hands* of "one perſon called a prince, or into the hands of "many called ſtates, for the adminiſtration of "government in the execution of thoſe laws. "In the keeping of theſe two *powers diſtinct*, "flowing *in diſtinct channels*, ſo that they may "*never meet in one*, ſave upon ſome ſhort extraor- "dinary occaſion, *conſiſts the ſafety of the ſtate.* "The reaſon is evident, becauſe if the law-makers "(who ever have the ſupreme power) ſhould be "alſo the conſtant adminiſtrators and diſpenſers "of law and juſtice, then by conſequence the peo- "ple would be left without remedy in caſe of in- "juſtice, ſince no appeal can lie under heaven "againſt ſuch as have the ſupremacy; which, if "once admitted, were inconſiſtent with the very "intent and natural import of true policy, which "ever ſuppoſeth that men in power may be un- "righteous, and therefore, preſuming the worſt, "points always, in all determinations, at the enor- "mities and remedies of government, on the be-

" half of the people.—For the clearing of this, it " is worthy your obſervation, that in all kingdoms " and ſtates whatſoever, where they have had any " thing of freedom among them, the legiſlative " and executive powers have been managed in " diſtinct hands; that is to ſay, the law-makers " have ſet down laws as rules of government, and " *then put power into the hands of others*, not their " own, to govern by thoſe rules; by which means " the people were happy, having no governors but " ſuch as were liable *to give an account of govern-* " *ment* to the ſupreme council of law-makers. " And on the other ſide, it is no leſs worthy of a " very ſerious obſervation, that kings and ſtanding " ſtates never became abſolute over the people, " till they brought both *the making and execution* " *of laws into their own hands*; and as this uſur- " pation of theirs took place by degrees, ſo un- " limited arbitrary power crept up into the throne, " there to domineer over the world, and defy the " liberties of the people."

Let us pauſe here with aſtoniſhment. A perſon who had read the former part of the book with attention, would think theſe words a complete refutation of his whole " Right Conſtitution of a " Commonwealth."—The whole drift of the book before this was to prove, that all authority ſhould be collected into one centre; that the whole legiſlative and judicial power, as well as the executive, was to be veſted in ſucceſſive ſupreme ſovereign aſſemblies of the people's repreſentatives; and our endeavour has been to ſhow, that this would naturally be applied to corruption in election, to promote diviſion, faction, ſedition, and rebellion. All this is now very frankly admitted, and " the " ſafety of the ſtate" depends upon placing the power of making laws, of executing them, and adminiſtering

miniſtering juſtice, in different hands. But how is this to be done? "The executive power, our author tells us, "is derived from the legiſlative; "and by their authority transferred into the hand "of one perſon called a prince, or into the hands "of many called ſtates, for the adminiſtration of "government in the execution of thoſe laws." This is totally denied. The executive power is not naturally, nor neceſſarily, and ought never to be in fact, derived from the legiſlative. The body of the people, according to our author and to truth, is the fountain and original of all power and authority, executive and judicial, as well as legiſlative; and the executive ought to be appointed by the people, in the formation of their conſtitution, as much as the legiſlative. The executive repreſents the majeſty, perſons, wills, and power of the people in the adminiſtration of government and diſpenſing of laws, as the legiſlative does in making, altering, and repealing them. The executive repreſents the people for one purpoſe, as much as the legiſlative does for another; and the executive ought to be as diſtinct and independent of the legiſlative, as the legiſlative is of that.—There is no more truth, nature, or propriety, in ſaying that the executive is derived from the legiſlative, than that the legiſlative is derived from the executive: both are derived from the people. It is as untrue to ſay that the executive power is tranſferred by the authority of the legiſlative into the hands of a prince, as it would be to ſay that the legiſlative power was transferred by the authority of the prince into the hands of a legiſlative aſſembly. The people may, indeed, by their conſtitution, appoint the houſe of repreſentatives, to repreſent them in watching the executive magiſtrates, and in accuſing them of miſrule and miſdemean-

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ours: they may appoint a ſenate to repreſent them, in hearing and determining upon thoſe accuſations.—The people are repreſented by every power and body in the ſtate, and in every act they do. So the people are repreſented in courts of juſtice by the judges and juries, grand and petit, in hearing and determining complaints againſt miniſters of the executive power, as well as members of the ſenate and the houſe. It is true the body of the people have authority, if they pleaſe, to impower the legiſlative aſſembly or aſſemblies to appoint the executive power, by appointing a prince, preſident, governor, podeſta, doge, or king, and to call him by which of theſe names they pleaſe; but it would be a fatal error in policy to do it, becauſe it would in fact amount to the ſame thing which our author ſeemed to contend for through his whole book, and which he now allows to be inconſiſtent with the ſafety of the ſtate, viz. a union of the legiſlative and executive powers in the ſame hands. Whoever appoints biſhops and judges will dictate law and goſpel: whoever appoints a general will command the army, an admiral the fleet; any executor of the law will have it executed as he will. It makes the executive power a mere tool of the legiſlative, and the prince a weathercock blown about by the leading member of the houſe. Every commiſſion will be diſpoſed of as the lord and maſter in the houſe ſhall direct; military diſcipline will bow before his nod; and the judicial power muſt have the ſame complaiſance; ſo that both executive and judicial powers will be proſtituted to corrupt the people in elections, and the members of the houſe, as much as if all theſe powers were exerciſed in the houſe, and all the legiſlative, executive, and judicial powers in the ſame hands, the ſtate unſafe, the people

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left without remedy, in caſe of injuſtice, but by an appeal to heaven, by our author's own confeſſion.— "In all free ſtates, the legiſlative and executive "powers have been managed in diſtinct hands," ſays our author: "i. e. the law-makers have ſet "down rules, and then put power into the hands "of others to govern by thoſe rules." I wonder where. In Sparta the executive power was in the kings, hereditary kings, not appointed by the ſenate, or either of the popular aſſemblies, that of the city, or that for the country; in Athens the executive power was in the archons; in Rome, firſt in kings, and then in conſuls, through all the period of the republic: but, what is worſe, ſome important executive powers were reſerved in the hands of the ſenate in Sparta, in the popular aſſemblies in Athens, in the ſenate in Rome; that is, the executive and legiſlative powers were ſo far united, which finally produced the ruin of all of them. In ſhort, our author is perfectly right in his rule, that the two powers ought to be diſtinct, and in the fatal effects of their union; but totally wrong in deriving one from the other, and in his examples to ſhew they ever were ſo derived. But as the ſeparation and diviſion of authority, for the preſervation of equity, equality, and liberty, in oppoſition to the union of it ſimply in one, the few, or the many, is the end, of all the pains we have taken upon this ſubject, not a word of aſſiſtance afforded us by our author ought to be loſt. He goes on: "Cicero, in his ſecond book De Officiis, "and his third De Legibus, ſpeaking of the firſt "inſtitution of kings, tells us, how they were at "firſt left to govern at their own diſcretion with-"out laws. Then their wills and their words were "law; the making and execution of laws were in "one and the ſame hands. But what was the "conſequence?

" conſequence? Nothing but injuſtice, and in-
" juſtice without remedy, till the people were
" taught by neceſſity to ordain *laws*, as rules
" whereby they ought to govern. Then began
" the meeting of the people ſucceſſively in their
" ſupreme aſſemblies to make laws, whereby kings,
" in ſuch places as continued under the kingly
" form, were limited and reſtrained, ſo that they
" could do nothing in government but what was
" agreeable to law, for which they were accounta-
" ble, as well as other officers were in other forms
" of government, to thoſe ſupreme councils and
" aſſemblies. Witneſs all the old ſtories of Athens,
" Sparta, and other countries of Greece, where
" you ſhall find, that the law-making and the law-
" executing powers were placed in diſtinct hands
" under every form of government; for ſo much
" of freedom they retained ſtill under every form,
" till they were both ſwallowed up, as they were
" ſeveral times, by an abſolute domination.—In
" old Rome we find Romulus, their firſt king, cut
" in pieces by the ſenate, for taking upon him to
" make and execute laws at his own pleaſure: and
" Livy tells us, that the reaſon why they expelled
" Tarquin, their laſt king, was, becauſe he took
" the executive and legiſlative powers both into
" his own hands, making himſelf both legiſlator
" and officer, inconſulto ſenatu, 'without advice,
" and in defiance of the ſenate.' Kings being ca-
" ſhiered, then their ſtanding ſenates came in play,
" who, making and executing laws by decrees of
" their own, ſoon grew intolerable, and put the
" people upon divers deſperate adventures, to get
" the legiſlative power out of their hands, and
" place it in their own, that is, in a ſucceſſion of
" their ſupreme aſſemblies: but the executive
" power they left, part in the hands of officers of
" their

" their own, and part in the ſenate; in which ſtate
" it continued ſome hundreds of years, to the great
" happineſs and content of all, till the ſenate, by
" ſleights and ſubtilties, got both powers into
" their own poſſeſſion again, and turned all into
" confuſion.—Afterwards their emperors, though
" uſurpers, durſt not at firſt turn both theſe pow-
" ers into the channel of their own unbounded
" will; but did it by degrees, that they might
" the more inſenſibly deprive the people of their
" liberty, till at length they openly *made and exe-*
" *cuted laws at their own pleaſure*, being both le-
" giſlators and officers, without giving an account
" to any: and ſo there was an end of the Roman
" liberty.—To come nearer home, let us look
" into the old conſtitution of the commonwealths
" and kingdoms of Europe. We find in the Italian
" ſtates Venice, which having the legiſlative and
" executive power confined within the narrow
" pale of its nobility in the ſenate, is not ſo free
" as once Florence was, with Siena, Milan, and
" the reſt, before their dukes, by arrogating both
" thoſe powers to themſelves, wormed them out
" of their liberty.—Of all thoſe ſtates, only Ge-
" noa remains in a free poſture, by keeping the
" power of legiſlation only in their ſupreme aſ-
" ſemblies, and leaving the execution of law in a
" titular duke and a council. The keeping of
" theſe powers aſunder, within their proper ſphere,
" is one principal reaſon why they have been able
" to exclude tyranny out of their own ſtate, while
" it hath run the round in Italy.—What made
" the Grand Signior abſolute of old, but his en-
" groſſing both theſe powers? and of late the
" kings of Spain and France? In antient times
" the caſe ſtood far otherwiſe; for in Ambro-
" ſio Morales his Chronicle you will find, that in

" Spain

" Spain the legiſlative power was lodged only in " their ſupreme council, and their king was no " more but an elective officer, to execute ſuch laws " as they made, and, in caſe of failing, to give " them an account, and ſubmit to their judgments, " which was the common practice; as you may ſee " alſo in Mariana. It was ſo alſo in Aragon, till " it was united to Caſtile by the marriage of Fer- " diand and Iſabella; and then both ſtates ſoon " loſt their liberty, by the projects of Ferdinand " and his ſucceſſors, who drew the powers of le- " giſlation and execution of law within the verge " and influence of the prerogative royal: whilſt " *theſe two powers were kept diſtinct, then theſe* " *ſtates were free*; but the *engroſſing of them in* " *one and the ſame hands, was the loſs of their* " *freedom.*—France likewiſe was once as free as " any nation under heaven: though the king of " late hath done all, and been all in all, till the " time of Lewis the Eleventh he was no more but " an officer of ſtate, regulated by law, to ſee the " laws put in execution, and the legiſlative power " reſted in the aſſembly of the three eſtates; but " Lewis, by ſnatching both theſe powers into the " *ſingle hands of himſelf* and his ſucceſſors, rooked " them out of their liberty, which they may now " recover again, if they have but ſo much man- " hood as to reduce the two powers into their an- " tient, or into better channels.—This pattern of " Lewis was followed cloſe by the late king of " England (Charles the Firſt,) who, by our antient " laws, was the ſame here that Lewis ought to " have been in France, an officer in truſt, to ſee " to the execution of the laws; but by aiming at " the ſame ends which Lewis attained, and ſtrain- " ing, by the ruin of parliaments, *to reduce the le-* " *giſlative power, as well as the executive, into his*

" *own*

" *own hands*, he, inſtead of an abſolute tyranny, " which might have followed his project, brought " a ſwift deſtruction upon himſelf and his family. " Thus you ſee it appears, that *the keeping of theſe* " *two powers diſtinct* hath been a ground preſer- " vative of the people's intereſt, whereas their " uniting hath been its ruin all along in ſo many " ages and nations."

This paſſage at large, in the author's own words, has been quoted with pleaſure, becauſe, although the accuracy of it in every particular cannot be anſwered for, the principle and examples are good, and he might have added as many more examples as there were or had been ſimple governments in the world. It is in mixed governments alone where theſe two powers are ſeparated. But the misfortune is, that our author contends for a mixed government, and a ſeparation of the legiſlative and executive powers, in name and appearance only. If the executive is appointed by, or derived from, the legiſlative, it is ſtill in eſſence but one power, and in the ſame hands. It is inaccurate to ſay, that in "Athens and Sparta" the law-making and law-executing powers were placed in diſtinct hands under every form of government: it would be nearer the truth to ſay, that they were free and happy in proportion as they ſeparated theſe powers. But the fact is, theſe powers were never wholly ſeparated: part of the executive always was in the legiſlative, and ſometimes all of it, and theſe errors proved their ruin. When "the exe- " cutive power was left by the people of Rome " partly in the hands of officers of their own, and " partly in the ſenate," it was a continual object of jealouſy and contention between the ſenate and people. Whether France was ever "as free as any " nation under heaven," or not, may be learned

from Boulainvilliers *, Abbé de Mably†, and M. Moreau‡.

To read through the voluminous hiſtories of Father Daniel, Mezeray, Veilly, and conſult original authorities, as Gregory of Tours, Froiſſart, &c. would be a tedious enterprize, and, after all, the controverſy would remain. Boulainvilliers contends that France was a republic, and that the feudal lords had a right to make war upon the kings and upon one another: but it was, according to him, but an ariſtocracy. M. Moreau, who examines all the other writers, as Boulainvilliers, Du Bos, De Mably, &c. contends that the monarchs have ever been abſolute: but at what period the common people, ſuch as farmers, mechanics, merchants, &c. were admitted to a vote in the choice of their rulers, even of the procurators of cities and boroughs which compoſed the third eſtate, the public would yet be glad to be informed. Lewis the Sixteenth has the unrivalled glory of admitting the people to a ſhare in the government. Upon what grounds our author could pretend that France was ever as free as any nation under heaven is utterly incomprehenſible. The kings, nobles, and clergy, were ſuch ſtanding powers as our author deteſted; and the third eſtate was very far from being an adequate repreſentation of the people: ſo that the aſſemblies of the ſtates, and the ancient parliaments, were by no means ſucceſſions of the people's ſovereign aſſemblies. The conſtitutions of the cortes in Caſtile, Arragon, Portugal, and all the other kingdoms now united under the kings of Spain or Portu-

* Etat de la France. Lettres ſur les anciens Parlemens de France.

† Obſervations ſur l'Hiſtoire de France.

‡ Diſcours ſur l'Hiſtoire de France.

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gal, were equally repugnant to our author's ſyſtem, and equally deſtructive of it*. Upon this head a judgment may be formed, by conſulting Geddes's Hiſtory of the Wars of the Commons of Caſtile, and his View of a Cortes aſſembled at Toledo in 1406.

" Reducing tranſactions and the intereſts of the " public into the diſpoſition and power of a few " particular perſons.—The conſequences have " been, that matters were not carried by fair de- " bate, but by deſign and ſurpriſe; not by deli- " beration of the people in their open aſſemblies, " but according to premeditated reſolutions, and " foreſtalments of crafty projectors in private " juntos; not according to the true intereſt of " ſtate, but in order to the ſerving of men's ends; " not for the benefit and improvement of the peo- " ple, but to keep them under, as ignorant of " true liberty, as the horſe and mule, to be bri- " dled, ſaddled, and ridden, under the wiſe pre- " tence of being governed and kept in order. " But the grand and worſe conſequence of all " hath been this, that ſuch colleagues, partners, " and engroſſers of power, having once brought " about their ends by lying practices upon the " people, have ever fallen into fits of emulation " againſt themſelves; and their next deſign hath " ever been to rook their fellows, and rid them- " ſelves of competitors, ſo that at length they " have been their own executioners, and ruined " one another: and the people having by this " means been torn with civil diſſenſions and " the miſeries of war, by being drawn into par- " ties, according to their ſeveral humours and af-

* Miſcellaneous Tracts, vol. i.

" fections,

" fections, the uſual event ever was, that in the " end they have been ſeized as the prey of ſome " ſingle tyrant."

It muſt be confeſſed our author underſtands himſelf and his ſubject very well; he is aware of all the difficulties and dangers, but yet he will not ſee, or will not confeſs, that his own Right Conſtitution remains expoſed to all their ravages, without the ſmalleſt proviſion to defend it. How will it be poſſible, in a ſingle ſovereign aſſembly, to prevent tranſactions and public intereſts falling into the diſpoſition of a few? How will it be poſſible that matters ſhould always be carried by friendly debate, and not by deſign and ſurpriſe, by premeditated reſolutions of crafty projectors in private cabinets; not according to public intereſt, but private ends; not for the benefit of the people, but to keep them in ignorance, to be bridled and ridden? How can ſuch colleagues and partners be prevented from impoſing lying practices on the people, from emulation, envy, and jealouſy among themſelves; and from rooking one another? How ſhall the people be prevented from being torn with civil diſſenſions, and drawn into parties, by their ſeveral humours, principles, ſuperſtitions, prejudices, fancies, and affections? and how ſhall all this be prevented from ending in a ſingle tyranny? Not one check, not the leaſt reſtraint, no appearance of balance or controul, is once mentioned or thought of: for an executive appointed by the legiſlative will be none at all; it will only facilitate intrigue and artifice, to diſguiſe and conceal the blackeſt deſigns. The example of " the thirty tyrants of Athens" is a proof of this. " Xenophon tells us, they drew the deter- " minations of all things into their own cloſets, " but *ſeemed* to manage them ' calculis et ſuffra-

" giis

" giis populi,' by the deliberations and votes of " the people, whom they had brought to their " own devotion in the aſſembly, to countenance " their proceedings ;"—" and their cuſtom was, if " any ſort of men complained and murmured at " their doings, or appeared for the public, imme- " diately to ſnap them off, by the loſs of life or " fortune, under pretence of being ſeditious and " turbulent fellows againſt the peace of their ty- " ranny." But will not ſuch thirty, or leſs num- ber of tyrants, ariſe in every ſingle ſovereign aſ- ſembly, and behave in the ſame manner? In a re- preſentative aſſembly they may take off a trouble- ſome member in an eaſier manner, by applying the executive and judicial powers, and the public treaſure, among his conſtituents, to have him re- jected or left out at the next election. " The " event of the thirty tyrants, combination was a " civil war, which ended in their baniſhment ; but " a new junto of ten men got into their places, " whoſe government proving little leſs odious than " the former, gave occaſion to new changes, which " never left ſhifting till they fell into a ſingle ty- " ranny." If " the wilder ſort of people, having " by a ſad experience felt the fruits of their own " error, in following the luſts of particular power- " ful perſons, grew wiſe, and combining with the " honeſter ſort, they all, as one man, ſet their " ſhoulders to the work, and reſtored the primi- " tive majeſty and authority of their ſupreme aſ- " ſemblies," how long did it laſt? Ariſtides him- ſelf began to deſtroy it, Themiſtocles did more, Pericles more ſtill, and Alcibiades finiſhed the ruin. It is not poſſible to ſay that the Athenian conſtitution operated as a ſteady ſyſtem of liberty for one moment; becauſe, although a multitude of checks played in it, there was no ſettled ba-

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lance. The example from Herodotus, book ii. is ſtill more deciſive in our favour, and againſt our author: "Monarchy being aboliſhed in "Egypt after the death of king Setho, and a de- "claration publiſhed for the freedom of the peo- "ple, immediately the adminiſtration of all af- "fairs was engroſſed in the hands of twelve gran- "dees (or popular men, principes populi) who, "having made themſelves ſecure againſt the peo- "ple, in a few years fell to quarrelling with one "another, as the manner is, about their ſhare in "the government. This drew the people into "ſeveral parties, and a civil war enſued, wherein "Pſammeticus, one of the twelve, having ſlain "all his partners, left the people in the lurch, "and ſeated himſelf, inſtead of a free ſtate, in a "ſingle tyranny." Our author might have quoted the example of the apoſtles themſelves, who fell into diſputes who ſhould be the firſt in the kingdom they thought approaching.—The two triumvirates are illuſtrious, among thouſands of other examples equally appoſite. Pompy, Cæſar, and Craſſus, drew the affairs of the world into their hands, determining all in a private junto, without the advice or the conſent of the ſenate or people, "unleſs it were now and then to make ſtalking horſes "of them, for the more clear conveyance of ſome "unpleaſing deſign." Theſe men, having made "an agreement among themſelves, that nothing "ſhould be done in the commonwealth but what "pleaſed their own humour, it was not long be- "fore the ſpirit of ambition ſet them flying at the "faces of one another, and drew the whole world "upon the ſtage, to act that bloody tragedy, "whoſe cataſtrophe was the death of Pompey, "and the dominion of Cæſar."—"The ſecond tri- "umvirate was between Octavius, Lepidus, and "Antony.

" Antony. Theſe having ſhared the world be-
" tween them, preſently fell to bandying againſt
" one another; Auguſtus, picking a quarrel with
" Lepidus, gave him a lift out of his authority,
" and confined him to a cloſe impriſonment in the
" city; next he picks a quarrel with Antony,
" begins a new civil war, in which he ruined
" Antony, and ſeated himſelf in the enjoyment
" of a ſingle tyranny." But our author ſhould have remembered, that all this was after the ſenate had loſt its authority, and the people, in their aſſemblies, aſſumed all power; and he ſhould have been ſenſible, that thus it will and muſt ever be, in all ſimple governments, to the end of the world.

" In the great conteſt between Henry the
" Third and the Barons, about the liberties of
" themſelves and the people, the king being forc-
" ed at length to yield to the lords, inſtead of
" freeing the nation, engroſſed all power into their
" own hands, under the name of the twenty-four
" conſervators of the kingdom, and became toti-
" dem tyranni, acting all in their own names, neg-
" lecting or over-ruling parliaments; but then,
" not agreeing among themſelves, there were three
" or four of them who defeated the other twenty,
" and drew the entire management of affairs into
" their own hands, viz. the earls of Leiceſter,
" Glouceſter, Hereford, and Spencer: yet it con-
" tinued not long; for Leiceſter getting all into
" his power, fell at enmity with Glouceſter, and
" was defeated by him. At length Leiceſter,
" putting his fortune to a battle, was ſlain; and
" the king thereupon getting all power back
" again, took advantage of that opportunity for
" greatening himſelf and his prerogative. All
" the people got by the effuſion of their blood

" and

" and loſs of their peace was, that inſtead of one " tyrant, they had twenty-four, and then four; " and after them a ſingle uſurper, Montford, earl " of Leiceſter; and he being gone, they were " forced to ſerve their old tyrant Henry the " Third again, who by this means became the " more ſecure and firm in his tyranny."—And are not all theſe examples, and millions of others that happen in every village, hamlet, and burgade in the world (for in all theſe there are contentions for precedence, and men who would rather be there the firſt than the ſecond in Rome as ſincerely as Cæſar) enough to convince the people and popular writers of the neceſſity of more than one branch of power, and indeed of more than two? The ſingle ſtruggle for the firſt place muſt eternally diſtract every ſimple government, and muſt diſturb every one that has only two branches. Unleſs there is a legal, conſtitutional, and habitual mode of always determining who ſhall be foremoſt, there can be no tranquillity among mankind. Grave exhortations to ſingle aſſemblies, whether ſenates or repreſentatives, not to permit public tranſactions to be engroſſed, and reſt in the power of a few particular perſons, will be thrown away; for, ſuch are the contradictions in the human character, the multitude who have no hopes of being intruſted, are as ſervile, as the few who have, are aſpiring; and, upon the whole, there is more ſuperiority in the world given than aſſumed.

" Driving of factions and parties.—Faction de- " ſtroyed Rome: the factions, headed by the two " potent families of Hannibal and Hanno, de- " ſtroyed Carthage. Faction made Rome ſtoop " to Cæſar; Athens to Piſiſtratus. Faction let " the

"the Turk into Conſtantinople and Hungary; "the Goths and Vandals into Spain and Italy; "the Romans into Jeruſalem: it ſubjected Ge- "noa to the family of Sforza, dukes of Milan; "brought the Spaniard into Sicily and Naples; "and the French into Milan, where they ouſted "Sforza."—To theſe inſtances might be added as many as you pleaſe; but it is amazing that all that have happened, have not been ſufficient to ſhew the neceſſity of a government ſo mixed that factions may always be ruled. There can be no faction but of the one, the few, or the many; and a triple balance of equal powers affords a never-failing remedy againſt either; and if either of theſe is wanting, there is always not only a poſſibility and a probability, but an abſolute certainty, of one ſpecies of faction ariſing, againſt which the conſtitution affords no defence.

"Violation of faith, principles, promiſes, and "engagements," an "impiety that ought to be "exploded out of all nations that bear the name "of Chriſtians;" and yet we find it often paſs among the leſs diſcerning "ſort of men for ad- "mirable policy;" and thoſe impoſtors that uſed it "have had the luck to be eſteemed the only "politicians."--Our author wiſely and nobly condemns the reaſoning of Machiavel in his Prince, "that becauſe the greateſt part of the world "being wicked, unjuſt, deceitful, full of trea- "chery and circumvention, there is a neceſſity "that thoſe who are downright, and confine them- "ſelves to the ſtrict rules of honeſty, muſt ever "look to be over-reached by the knavery of others." He quotes too from Machiavel: "This part hath "been covertly ſhewed to mankind by antient "writers; who ſay that Achilles, and many others

" of thoſe antient princes, were intruſted to Chi-
" ron the Centaur, to be brought up under his
" diſcipline. The moral of this, having for their
" teacher one that was half a beaſt and half a
" man, was nothing elſe, but that is was needful
" for a prince to underſtand how to make his ad-
" vantage of the one and other nature, becauſe
" neither could ſubſiſt without the other."

Without condemning our ſpecies ſo far as Machiavel, by pronouncing the greateſt part wicked; or going the length of the antients, in ſuppoſing them half beaſts; or of ſome moderns, in calling them half devils; candor, and charity itſelf, muſt allow, that in all great nations, at leaſt, there are many both wicked, brutal, and diabolical; and enough of both to trample on the laws, and diſturb the peace, liberty, and property, of the good and humane, unleſs proviſion is made in the conſtitution to reſtrain them. In all ſimple governments, the worſt part of the ſpecies are leaſt controuled, and have moſt temptations; and from hence ariſes a new and ſtrong argument in favour of ſuch a mixture, as ſhall guard every avenue to impoſture, and every inlet to vice. Although the vices and follies of mankind, no more than their diſeaſes and bodily infirmities, can never be wholly eradicated in this mixed ſtate of good and evil, and we cannot rationally hope that policy will ever change the earth into heaven, yet the balance of three branches appears to afford all that the conſtitution and courſe of things will admit; at leaſt all that have hitherto been diſcovered. It would be folly to ſay that no further improvements can be diſcovered: the moral and intellectual world is as little known as the phyſical. We may hope, from education, enquiry, and experiment, great advances; but until they are

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further purſued, let us adopt ſuch as have already been found practicable and uſeful. There is one alteration which will be found indiſpenſible, before any great meliorations can be made in ſociety and government; ſome more rational method of determining the people's votes in elections, and ſome effectual proviſion againſt corruption. The cry of family fortune, ſome prejudice of ſuperſtition, ſome habitual fondneſs, a prejudice, a whim, a name, too often determine the votes of multitudes, even when groſſer profligacy has no ſhare. The people muſt be taught to be governed more by reaſon, and leſs by ſounds. The word king, like magic, excites the adoration of ſome, and execration of others: ſome, who would obey the lawful orders of a king, would rebel againſt the ſame orders, given by the ſame authority under the name of governors or preſident: others would cheerfully ſubmit to a governor or preſident, but think rebellion againſt a king, with only the ſame authority, virtue and merit, and obedience to God. Until the nature of things are more generally underſtood by the people, and mere ſounds have leſs influence, it will be in vain to expect any great improvements. There is another particular too, in which, I ſuſpect, the people muſt change the fundamental maxim of their policy throughout the world, before much further improvements will be made. The people, in all ages and countries, have laid it down as a rule, that their ſervice muſt be perfectly diſintereſted; no man deſerves to be employed by them, who will not ſerve them gratis, at leaſt, if not put himſelf to great expence to procure their votes. The conſequences of this are many. 1. No man can ſerve them who is not rich: this is giving up at once their own right of election

election into the hands of an ariſtocracy, and that characteriſtic of ariſtocracy too which has the leaſt merit in it, mere wealth. 2. This introduces an univerſal ſyſtem of Machiavelian hypocriſy into popular elections: and thoſe who are moſt intereſted, moſt corrupted, and moſt determined to carry the commodity to market, are the moſt liberal in their offers of a price to purchaſe it, the moſt oſtentatious in profeſſions of diſintereſted motives. Ariſtides, Fabricius, and Cincinnatus, are eternally quoted, as if ſuch characters were always to be found in ſufficient numbers to protect the people's liberties, and a cry and ſhew of pure virtue is ſet up by the moſt profligate and abandoned of human kind, ſuch as would ſell their fathers, their country, and their God, for profit, place, and power. Hypocriſy, ſimulation, fineſſe, are not more practiſed in the courts of princes then they are in popular elections, nor more encouraged by kings then people. Unleſs ſome means can be diſcovered to reform the people, and to enlighten them, to make rectitude, inſtead of chicanery, the viſible obvious intereſt both of governors and governed, it will be in vain to expect great changes for the better in government. To improve this, morals and ſcience muſt be improved, extended, and made more general, if not univerſal; and, after all, perfection we know can never be attained in either.

The ſecond objection is, "that ſuch a form in "the people's hands would cauſe confuſion in go- "vernment."—This objection ſeems to have been ſtarted by his own party, who were afraid of the influence of royaliſts; and the anſwer to it diſtinguiſhes two ſtates of a commonwealth;--one, while it is new after a revolution, when great numbers

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are diſaffected. Theſe he treats with great ſeverity, and allows the danger of confuſion from their intrigues; he therefore excludes them from voting, or being choſen, and juſtifies it by Greek and Roman examples.

The other is a quiet ſtate, when all the people may, he thinks, be admitted to chooſe and be choſen without confuſion. But as this whole objection, and anſwer to it, relate to the time and circumſtances in which he wrote, it is unneceſſary to enlarge upon it; it is nevertheleſs amuſing, or provoking, to obſerve with what facility he aſſerts the right of the majority to make *ſlaves* of the minority. "Such as have commenced a war, to ſerve "the luſts of tyrants againſt the people's intereſt, "ſhould not be received any longer a part of the "people, but may be handled as ſlaves when ſub-"dued, if their ſubduers pleaſe ſo to uſe them; "becauſe, by their treaſons againſt the majeſty of "the people, they have made forfeiture of all their "rights and privileges." The majeſty of the people is a very venerable, ſublime, and affecting idea; but, in human theory, every government, deſpotiſm, monarchy, ariſtocracy, and every mixture, is created by the people, continued by their ſovereign will, and repreſents their majeſty, their auguſt body. Reſiſtance therefore to a deſpotiſm, or ſimple monarchy or ariſtocracy, or a mixed government, is as really treaſon againſt the majeſty of the people, as when attempted againſt a ſimple or repreſentative democracy; ſince the right of the people to confide their authority and majeſty to one man, or a few men, can no more be doubted than to a large number. In the divine theory, upon which moſt of the governments of Europe ſtill reſt, it is not only treaſon, but impiety and blaſphemy, to reſiſt any government whatever. If the

the ſovereignty of a nation is a divine right, there is an end of all the rights of mankind at once; and reſiſtance to the ſovereignty, wherever placed, is rebellion againſt God.

It is worth while to obſerve alſo a contradiction to what our author had advanced in the former part of his work. "The old commonwealth of "Greece," he ſays here, "were wont to heap up "all honours they could vent, upon ſuch as did "or ſuffered any thing for the maintenance of "their liberties." Under a former head he repreſented it as a commendable cuſtom of commonwealths to make their ſervice a burthen.

The third objection is, "that the management "of ſtate affairs requires judgment and experi-"ence, which is not to be expected from new "members coming into thoſe aſſemblies upon "every election."—The anſwer to this objection is of great importance, becauſe it in effect, though not in words, gives up his whole argument in favour of a ſingle ſovereign aſſembly. He diſtinguiſhes between acta imperii and arcana imperii, acts of ſtate and ſecrets of ſtate. By acts of ſtate he means the laws and ordinances of the legiſlative power; things that have moſt influence upon a commonwealth, as to its ill or well being; and the only remedies for ſuch bad cuſtoms, inconveniences, and incroachments, as afflict and grieve it. Matters of grievance being matters of common ſenſe, and ſuch as are obvious to the people, who beſt know where the ſhoe pinches them, there is no need of any great ſkill or judgment in paſſing or applying a law for remedy.—"But as to ſecrets "of ſtate, or the executive part of government, "during the intervals of their ſupreme aſſemblies; "theſe things being of a nature remote from or-

"dinary

"dinary apprehenſions, and ſuch as neceſſarily "require prudence, time, and experience, to fit "men for management, much in reaſon may be "ſaid, and muſt be granted, *for the continuation of* "*ſuch truſts* in the ſame hands, as relate to matter "of council or adminiſtration of juſtice, more or "leſs, according to their good or ill behaviour. "A prudential continuation of theſe may (with-"out queſtion) and ought to be, allowed upon "diſcretion; becauſe if they do amiſs, they are "eaſily accountable to the people's aſſemblies." Here our author's plan begins to develope itſelf. Hitherto we had heard nothing but of ſucceſſive ſovereign aſſemblies of the people's repreſentatives: now indeed we learn that this aſſembly is to appoint judges, generals, and admirals, and a ſtanding committee perhaps for the treaſury, the admiralty, the cuſtoms, exciſe, and foreign affairs. Whether theſe judges, and committees, and commanders, are to be members of the ſovereign aſſembly, or whether their appointments are to vacate their ſeats, is not aſcertained; but in either caſe it is obvious they will be the friends and confidents of the prevailing party in the houſe: they will be perſons on whoſe friendſhip the major party in the aſſembly can rely to promote their views, by advancing their friends among their conſtituents, in order to procure a new election, or, in other words, a *ſtanding power*, a thing which our author dreads ſo much in the repreſentative aſſembly; and thus the whole executive and judicial power, and all the public treaſure, is at once applied to corrupt the legiſlature and its electors. And what is it "to be accountable to the people's "aſſemblies?" It is to be afraid to offend the ſtrongeſt party in the houſe, by beſtowing an office or deciding a cauſe, civil or criminal, againſt their inclinations.

inclinations. James's boaſt comes in very pertinently here. The leaders in the houſe having the appointment, the impeachment, cenſure, condemnation, reward, and pay of all the biſhops, judges, and commanders, in their power, they will have what law, goſpel, war, peace and negociation they pleaſe. Corruption is let in in ſuch a torrent, as the virtue of no people that ever lived, or will live, is able to reſiſt, even for a few years: the gangrene ſpreads immediately through the whole body.

Our author proceeds to his ordinary routine of examples. "Athens upheld conſtant returns and "periods of ſucceſſion in their ſupreme aſſemblies "for remedy of grievances; and they had a ſtand-"ing council, called the Areopagus, to whom the "ſecrets of ſtate were committed during the ad-"miniſtration of government, during the inter-"vals of thoſe aſſemblies, at whoſe return they "were accountable, and warily continued or ex-"cluded, as the people found cauſe." But our author no where recollects the checks to the popular government of Athens, which, however, was never at any one moment ſo popular as his project. He no where recollects, that there were ten ſlaves to one citizen; that the education of the citizens therefore was ſuperior to that which is poſſible in any nation that has not ſlaves. He no where recollects, that the whole of religion was ſaved in the hands of the nobly born, which gave a few families ſuch an influence as no part of Chriſtendom now affords an example of, not even in catholic countries. He no where recollects, that the whole people were divided into ranks, and all magiſtrates taken out of the higher ranks. He no where recollects the ſenate of one hundred, and afterwards of five hundred, appointed by lot, which formed the

the council of ſtate, which had the conſtant charge of political affairs, and particularly the preparation of buſineſs for the aſſembly of the people. He no where pays a ſufficient attention to the court of Areopagus, and its important powers, and the perſons of whom it was compoſed: all the archons out of office were members for life. He no where recollects, that a ſingle repreſentative aſſembly, being neceſſarily few, are more liable to corruption than even a collective aſſembly, who are many. Theſe important checks, which gave ſuch vaſt weight to the ariſtocratical part of the community in the government of Athens, have no equivalent in our author's plan. He no where recollects, that Solon's inſtitution was at laſt ruined by allowing to the fourth claſs of citizens an equal vote in the aſſembly of the people; a terrible warning againſt all ſuch projects of government.

In Sparta and Rome, ſays our author, they had the like: but it is really ſhocking to read theſe affirmations ſo entirely without foundation. The governments of Sparta and Rome were governments as different and as oppoſite to our author's "right "form" as can be imagined; and the moment they obtained the leaſt reſemblance of it, all authority was ſeen in one centre, in Nabis and Cæſar. Florence too was after the ſame mode: Holland and Switzerland. In Holland the people never had the election of any regular aſſemblies, and they never ſpeak but by petition, or in bodies unknown to any written conſtitution; I mean mobs: a more unlucky example could not have been thought of. Their regencies too are for life in general, and fill up their own vacancies: in all the ariſtocratical cantons of Switzerland the ſame. How far ſome of the ſmalleſt democratical cantons in any particular reſemble our author's notions, may be ſeen in

the former volume; but no ſufficient juſtification of them will be found there: but if a parallel could, in ſtates ſo ſmall and poor, be found, it would be no precedent for nations, large, opulent, and powerful, full of great objects of ambition, and conſtantly expoſed to the hoſtile envy and reſentment of great and dangerous neighbours.

The fourth objection is, "that ſuch a govern-"ment brings great damage to the public, by their "frequent diſcontents, diviſions, and tumults."

In anſwer to this, he conſiders ſeveral caſes.—1. When any citizens arrogate privileges to themſelves or their families, beyond the ordinary ſtandard of the people, then diſcontents, diviſions, and tumults ariſe. In Rome, the ſenate retaining the power of the old government in the hands of themſelves and their families, upon the expulſion of the Tarquins, occaſioned the ſubſequent diſcontents and tumults. "Had Brutus made them free when "he declared them ſo, or had the ſe-"nate followed the advice and example of Pub-"licola, all occaſion of diſcontent had been ta-"ken away."—"2. When the people felt them-"ſelves not fairly dealt withal" by their leaders and generals. In Syracuſe, Dionyſius being made general, under pretence of defending the people's liberties, and then uſing his power to other purpoſes, became the firebrand of the ſtate, and put the people all into flames for his expulſion. "In Sparta, the people were peaceable until "they found themſelves over-reached, and their "credulity abuſed, for converting liberty into ty-"ranny under Manchanides and Nabis. In Rome, "under the people's government, the ſad ſight of "people ſwarming in tumults, their ſhops ſhut "up, all trade given over, and the city forſaken,

"as

" as alſo in Athens, the occaſion was the ſame; for " though the people naturally love eaſe and peace, " yet finding themſelves outwitted by ſleights, and " abuſed by feats of the Senate, they grew out of " all patience. When any one of their ſenators, " or of themſelves, arrived to any height of pow- " er, by inſinuating into the people's favour upon " ſpecious and popular pretences, and then made " a forfeiture of thoſe pretences, as Sylla and Ma- " rius, they were the cauſes of thoſe tumults and " ſlaughters among the Romans, the infamy of " which has been caſt moſt injuriouſly on the peo- " ple's government by the profane pens of court " penſioners. Cæſar too was the cauſe of all thoſe " civil broils and tragedies among the people." An impartial writer would have brought every one of theſe examples in proof of the direct contrary; for they all ſhew, that in proportion as the people gained an authority, uncontrouled, or more than a balance for the ſenate, they grew more diſcontented, divided, and tumultuous, the more inclined to ſtir up factious leaders, as Pericles, Alcibiades, Cleon, the Gracchi, Marius, Sylla, and Cataline and Cæſar. The people were certainly peaceable under the kings, though the archons and nobles were not. The people were peaceable under the Grecian archons and Roman ſenate, ſo peaceable as to bear extreme oppreſſion; but their turbulence began with their aſpiring at power, and increaſed as it grew, and grew intolerable the moment they obtained the exerciſe of that authority which our author contends they ought always to exerciſe. Theſe examples, therefore, all ſhew the neceſſity of a balance to the people's exerciſe of power in a mixed government.—3. The people are tumultuous when ſenſible of oppreſſion, although naturally of a peaceable temper, minding nothing but a free enjoyment:

joyment; but if circumvented, miſled, or ſqueezed, by ſuch as they have truſted, they ſwell like the ſea, over-run the bounds of juſtice and honeſty, ruining all before them; but, unhappily, they very often miſtake and ſwell againſt the moſt honeſt and faithful men, and inſiſt upon being miſled by the moſt artful and knaviſh. A great majority of the people, and thoſe as honeſt as any, are too fond of eaſe and peace to trouble themſelves with public affairs, which leaves an opportunity to the profligate and diſſolute to have more influence than they ought to ſet up ſuch idols as will flatter and ſeduce them, by gifts, by offices, and by partiality in judgments; which ſhews, that although they are very competent to the choice of one branch of the legiſlative, they are altogether incapable of well managing the executive power. It is really unacountable, but by that party ſpirit which deſtroys the underſtanding as well as the heart, that our author ſhould conclude, "there is not one pre-"cedent of tumults or ſedition, which can be cit-"ed out of all ſtories, where the people where in "fault." It was even their fault to be drawn in or provoked; it was their fault to ſet up idols, whoſe craft or injuſtice, and whoſe fair pretences, had deſigns upon the public liberty. They ought to know that ſuch pretenders will always ariſe, and that they never are to be truſted uncontrouled.

But he ſeems to be aware that all this would not be quite ſatisfactory. In order to extenuate the evil, he admits, for argument ſake, that the people were tumultuous in their own nature; and he ought to have admitted, from regard to truth, that without laws, government, and force to reſtrain them, they really are ſo. "Tumults, when "they happen, are more eaſily born than thoſe in-"conveniences which ariſe from the tyranny of "monarchs

"monarchs and great ones." It is a great queſtion, whether anarchy or tyranny be the greater evil? No man who reads the third book of Thucidides, or Plato's deſcription of a democratical city, or who conſiders the nature of mankind, will heſitate to ſay that anarchy, while it laſts, is a greater evil than ſimple monarchy, even exerciſed by tyrants: but as anarchy can never laſt long, and tyranny may be perpetual, no man who loves his country, and is willing to ſubmit to a preſent evil for a future public good, would heſitate to prefer anarchy, provided there was any hope that the fair order of liberty, and a free conſtitution, would ariſe out of it. A chance of this would be preferred by a patriot to the certainty in the other caſe. Some men too would prefer anarchy, conſcious of more addreſs with the people than with a monarch: but if anarchy and tyranny were to be alike permanent and durable, the generality of mankind would and ought to prefer tyranny; at leaſt monarchy, upon the principle that a thouſand tyrants are worſe than one. But our author extenuates the evils of tumults.—1. The injury never extends farther than ſome few perſons, and thoſe, for the moſt part, guilty enough, as the thirty grandees in Athens, the ten in Rome, &c. Such tumults, however, have often proceeded to greater lengths, and have had innocent and excellent men for their object. Examples enough have been cited from Greece and Italy, as well as Holland.—2. Tumults are not laſting. An eloquent oration of a grave man, as Menenius, Agrippa, Virginius, or Cato, may pacify them. True ſometimes, but much oftener the grave man will fall a ſacrifice to their fury.—3. Tumults uſually turn to the good of the public; the great are kept in awe, the ſpirits of the people kept warm and high with thoughts

thoughts of liberty. This has ſome weight in monarchies and ariſtocracies, where they may be quelled; but in ſimple democracy, where they cannot, they would be fatal. "In Rome they ob-"tained the law of the twelve tables, procured "the tribunes and ſupreme aſſemblies, and frequent "confirmation of them." The ſupreme aſſemblies they obtained are very unluckily quoted, becauſe theſe, having no controul, deſtroyed the commonwealth.

"All this is far otherwiſe under the ſtanding "power of the great ones. They, in their coun-"cils, projects, and deſigns, are faſt and tenaci-"ous." As this is an acknowledgment that the people are not faſt and tenacious, that is ſteady, it ſhould ſeem an argument in favour of a ſtanding ſenate, at leaſt of ſome ſenate appointed from the perſons of moſt experience, beſt education, moſt reſpectable families, and conſiderable property, who may be ſuppoſed thoroughly to underſtand the conſtitution, to have the largeſt views, and be "faſt and tenacious" of the maxims, cuſtoms, and laws of the nation, to temper the unſteadineſs of the people, and even of their repreſentatives. "The evils under theſe forms are more remedileſs "and univerſal." Not at all in mixed governments. They are, on the contrary, more eaſily "remedied," for the houſe of commons is the grand inqueſt of the nation. "Thoſe tumults "and quarrels that ariſe among them, never end "but in further oppreſſion of the people." Quarrels among them have commonly given more weight to the people, and muſt always end in relieving the people, where the people have a full ſhare.

Upon the whole, tumults ariſe in all governments; but they are certainly moſt remedileſs and certainly fatal in a ſimple democracy. Cheats and tricks

tricks of great men will as certainly take place in ſimple democracy as in ſimple ariſtocracy or monarchy, and will be leſs eaſily reſiſted or remedied; and therefore our author has not vindicated his project from the objection of its danger from tumults. A mixed government, of all others, is beſt calculated to prevent, to manage, and to remedy tumults, by doing juſtice to all men on all occaſions, to the minority as well as majority; and by forcing all men, majority as well as minority, to be contented with it.

The fifth objection is, "that little ſecurity is "to be had for the more wealthy and powerful "ſort of men, in regard of that liberty which the "people aſſume to accuſe or calumniate whom "they pleaſe."

In anſwer to this, our author acknowledges that calumniation (by which he means ambitious ſlandering of men, by whiſperings, reports, or falſe accuſations,) have been more or leſs in all forms of government, but affirms that they were never allowed or approved in his form of government; that they have been moſt in uſe under ſtanding powers of great ones, who make it their grand engine to remove or ruin all who ſtand in their way, and have always inſtruments ready at hand; that it is marked out by Ariſtotle inter flagitia dominationis. But the true and impartial anſwer is this, that all ſimple governments are addicted to this vice, and make uſe of it as an inſtrument to deſtroy their adverſaries. In our author's "Right "Conſtitution" it would be as prevalent as in any monarchy or ariſtocracy, and in each of the ſimple governments it is equally impoſſible to prevent, palliate, or remedy the evil. In a ſimple democracy it muſt be the worſt of all upon the whole, becauſe

becauſe the whole nation muſt neceſſarily be ſlanderers. The majority calumniate of courſe for the ſame reaſon that unlimited monarchs and ſenates do, viz. to ſupport their power and annoy their enemies; and the minority are neceſſitated to ſlander in their turn in ſelf-defence. The liberty of accuſation, however, in every form of government, muſt in ſome degree be admitted; without it, neither will nor pleaſure, nor law, can govern. In a ſimple democracy it would be unlimited; every body belonging to the majority would be informers and accuſers, and always ſure of ſupporting his accuſation. The minority, therefore, in a ſimple democracy, are ſubjected to ſpies, informers, accuſations, and ſlanders, without end and without redreſs.

In a mixed government, like the Engliſh and American, informers from private motives are juſtly odious; from public motives reſpected. Every crime, however high, may be proſecuted and puniſhed: the grand inqueſt of the nation becomes accuſer againſt thoſe in high places; the grand inqueſt of the counties for ordinary offences. No crime can be concealed; no fictitious crime can be pretended or alledged. Calumny itſelf is puniſhable as an offence againſt the public, and the injured individual may obtain ſatisfaction. It is in ſuch a government alone that calumny is or can be managed upon principles of public ſafety and private juſtice, neither of which can ever be generally regarded in any ſimple government, and moſt certainly leaſt of all in our author's "Right "Conſtitution," or authority in one centre.

For the proof of theſe obſervations any hiſtory would ſerve; but it will be ſufficient to attend to thoſe anecdotes quoted by our author. In Rome "the ten grandees, and all that ſucceeded them in "that

" that domineering humour over the people, ever " kept a retinue, well ſtocked with calumniators " and informers (ſuch as we call " Knights of the " Poſt") to ſnap thoſe that any way appeared for " the people's liberties. This was their conſtant " trade, as it was alſo of their emperors."—" But " while the people kept their power entire in the " ſupreme aſſemblies, we read not of its being " brought into any conſtant practice."—This continued chicanery, in holding out to the people of England an idea that the Romans were ever governed by his " Right Conſtitution," is really unpardonable: nothing can be more unfair. But to paſs this over: Are the examples of Caſſius, Melius, Manlius, Coriolanus, the Gracchi, ſo ſoon forgot? The Scipios indeed he recollects. Theſe calumnies were promoted by the ſenate, in ſome inſtances, it is true; but by the people too in all: at leaſt the people were made the dupes and tools; which is ſufficient to make the examples ſtrong proofs againſt our author.

The ſame profligacy of a party ſpirit appears in his example of Athens. " By their lofty and un- " worthy carriage, they ſtirred up the people's fear " and jealouſy ſo far, as to queſtion and ſend di- " vers of them into baniſhment; as Alcibiades, " Themiſtocles, and others." Why are Ariſtides, Miltiades, Socrates, and Phocion forgotten? Theſe would have been too groſsly againſt him, and warnings too terrible againſt his paltry ſyſtem. " Whereas, if the rules of a free ſtate had been " punctually obſerved, by preſerving a diſcreet " revolution of powers, and an equability or mo- " derate ſtate of particular perſons, there had been " no occaſion of encroachment on one part, or of " fear on the other." That is to ſay, if the rules of a free ſtate had been obſerved in a city where

no ſuch rule of a free ſtate exiſted; and an equability and moderation maintained, of which there is no example in hiſtory, and which is totally impracticable; then there would have been no encroachment or fear: or, in other words, if all men had been wiſe and virtuous, and there had been no need of government at all, then there would have been no democratical tyranny, and, he might add, monarchical or ariſtocratical. It is burleſque to talk of a rule of a free ſtate, which never was, and every man of common ſenſe knows never can be, a rule of a free ſtate. Our concluſion muſt be directly contrary to that of our author; viz. the calumniation under his "Right Conſtitution" muſt be more frequent, intolerable, and remidileſs, than under any form of tyranny, whether monarchical or ariſtocratical. The Engliſh conſtitution furniſhes rules, means, and judicatures, in their grand and petit juries, and in impeachments of the commons before the lords, ſo equitable and admirable, that it is very unaccountable that any man ſhould think of preferring to it a ſimple democracy of a ſingle repreſentative aſſembly, where it is ſo obvious that every man's reputation, liberty, property, and life, muſt be in conſtant danger of accuſations by and before an omnipotent party.

"The liberty of accuſation by the people be-
"fore their ſupreme aſſemblies," cannot mean that the whole people ſhould join in ſuch accuſation: this is impoſſible; every man then muſt have liberty to accuſe whom he will. The houſe will conſider who is the accuſer, and who the accuſed; and members in the houſe will conſider how their parties are likely to be affected by the ſentence, more than truth or juſtice. An accuſer, who is uſeful to the majority, will rarely be puniſhed, let his accuſation be ever ſo falſe or malicious:

cious: one of the minority will never be heard, though his complaint be ever ſo true.—" The " liberty of accuſation is, indeed, a thing ſo eſ- " ſentially neceſſary for the preſervation of a com- " munity, that there is no poſſibility of having " perſons kept accountable without it; and, by " conſequence, no ſecurity of life and eſtate, li- " berty and property. 'Maxime intereſt reipub. " libertatis ut libere poſſis civem aliquem accu- " ſare;' it moſt highly concerns the freedom of a " commonwealth, that the people have liberty of " accuſing any perſons whatſoever." Thus far we agree, as well as in the opinion, that a great evil in governments, ſimply monarchical or ariſtocratical, is the want of ſuch liberty. But ſimple democracy has in it as great an evil in this reſpect; for the minority have too little liberty of accuſation, in proportion as the majority have too much: it is therefore in a mixed government only where an equal liberty can be preſerved to all, without being too great in any. It is agreed further to be a means, and the only means, of extinguiſhing jealouſies and emulations, diſcontents and fury, in the people, when they can bring to account their oppreſſors; and the inſtances of the Decemviri and Coriolanus are properly enough produced: the ſtory from Florence too, of one who occaſioned ſuch calamities for want of this liberty of accuſation, by which he might have been taken down; and the caſe of Soderino, who drove the people to call in the Spaniards to ſuppreſs him for want of ſuch a power. To theſe examples there is no objection, nor to the doctrine they convey, viz. that the liberty of accuſation prevents the people very often from running in rage and deſpair to internal violence or foreign alliance, and in both caſes to arms. But the concluſion

ſion upon the whole muſt be, that this objection ſtands in full force againſt our author's plan, and wholly unanſwered. There is no ſecurity for the moſt wealthy and powerful ſort of men among the minority; they will be conſtantly expoſed to ruin by falſe accuſations.

The ſixth objection is, "that people by nature "are factious, inconſtant, and ungrateful." In anſwer to the charge of faction, he repeats his poſitions under the fourth reaſon; and his examples of Pompey and Cæſar; Guelphs and Ghibellines in Italy; the families of Orleans and Burgundy in France; the Guiſians; York and Lancaſter, &c. we muſt refer to our obſervations on the fourth reaſon.

Inconſtancy he allows to be a characteriſtic of the people who are debauched, and in a corrupted ſtate of a commonwealth, when degenerated from its true principles, as in Athens, Rome, Florence. "But yet in Rome you may ſee as pregnant in- "ſtances of that people's conſtancy, as of any ſort "of men whatſoever; for they continued con- "ſtant, irreconcileable enemies to all tyranny in "general, and kingly power in particular. In "like manner, when they had once gotten their "ſucceſſive aſſemblies, they remained ſo firm and "ſtiff to uphold them: in making their elections, "too, they could never be perſuaded to chooſe a "known infamous, vicious, or unworthy fellow, "ſo that they ſeldom or never erred in the choice "of their tribunes and other offices. But it has "ever been otherwiſe under kings and ſtand- "ing powers." Here he muſt mean ſimple monarchies and ariſtocracies, becauſe he diſtinguiſhes the caſe from Rome, which was a mixed government. "Standing powers uſually ran into all "the

" the extremes of inconſtancy upon every new pro-
" ject, petty humour, and occaſion; ſhifted princi-
" ples every moon; caſhiered all oaths, proteſta-
" tions, promiſes, and engagements, and blotted
" out the memory of them with a wet finger," he inſtances in Charles the firſt. If we ſpeak impartially upon this head, we muſt ſay that all men are alike; that ſimple governments are equally inconſtant, as far as they partake of the ſame human nature. Kings have been as inconſtant as any men; ſo have ſimple ſenates. Simple democracies have never been tried; but, if we reaſon from their nature, we ſhall conclude, that they are more inconſtant than either, becauſe the reſult depending on the majority of votes, the difficulty and impoſſibility of aſſembling equal numbers at all times, increaſes the chances of change and inconſtancy. The ignorance of multitudes who compoſe a part of the people, is another cauſe: ſo that if a difference muſt be allowed, it muſt be confeſſed that ſimple democracy is the leaſt conſtant. But a mixed government produces and neceſſitates conſtancy in all its parts; the king muſt be conſtant, to preſerve his prerogatives; the ſenate muſt be conſtant, to preſerve their ſhare; and the houſe theirs: neither can go beyond its line, without being called back by the other. The legiſlative muſt be conſtant to preſerve its rights, and the executive for the ſame end: the judicial too muſt be conſtant to the laws, which alone can ſcreen it from the reſentment and encroachment of one or other of the three branches in the legiſlature. It is to this univerſal vigilance and conſtancy, which ſuch a conſtitution renders neceſſary and unavoidable, that the laws owe their perpetual ſuperiority, and are able to make kings, nobles, and commoners, miniſters of ſtate and religion, and judges

too

too, bow with reverence to its deciſions: to this conſtancy, therefore, is due that delightful tranquillity of mind, ariſing from a ſenſe of perfect ſecurity in the protection of known laws, for the enjoyment of life, liberty, honour, reputation, and property. "Ingratitude has been much "charged upon this form."—"In Athens and "Rome, unhandſome returns were made to wor-"thy perſons, who had done high ſervices—Al-"cibiades, Themiſtocles, Phocion, Miltiades, Ca-"millus, Coriolanus, and both the Scipios, the "cauſe of whoſe misfortunes is deſcribed, by Plu-"tarch and Livy, to be their own *lofty and unwary* "*carriage*, which excited the people's fear and "jealouſy. The Scipios were moſt to be pi-"tied, becauſe the nobles, not the people, diſ-"obliged them; as for Camillus and Coriolanus, "they deſerved whatever befel them, becauſe they "maligned and hated the people." All this is tolerably juſt.—Our author proceeds: "This hu-"mour, however, is highly commended by ſome, "as a ſign of a commonwealth's being in pure "and perfect health, when the people are thus ac-"tive, zealous, and jealous, in behalf of their "liberties, that will permit no ſuch growth of "power as may endanger it." Yet he adds, with great truth, "that the people have been ſo far "from ingratitude, that they have always been "exceſſive in their rewards and honours to ſuch "men as deſerved any way of the public, while "they conformed themſelves to rules, and kept "in a poſture ſuitable to liberty. Witneſs their "conſecrations of ſtatues, incenſe, ſacrifices, and "crowns of laurel, enrolling ſuch men in the num-"ber of their deities. The crime of ingratitude "cannot, in any peculiar manner, be faſtened upon "the people."—This is very juſt; the people are

no

no more ungrateful than kings or ſenates, nor more jealous; and the inſtances from republics, of apparent ingratitude, are not fair proofs. They commonly have ariſen from party; and the ill-treatment of deſerving men has been the work of intrigues of the ariſtocratical and monarchical parts of theſe communities, oftener than of the people themſelves. The jealouſy and envy of commanders, and leading ſenators and patricians, have plotted with the people, fomented their prejudices, inflamed their paſſions, and miſrepreſented by falſe reports, until ſuch points have been carried. There is another thing too to be conſidered: the real merit of public men is rarely fully known and impartially conſidered; empiriciſm is practiſed to an aſtoniſhing degree by ſome, even in the pureſt times. Ariſtides and Themiſtocles, Cæſar and Cato, are not upon an equal footing; but when men ariſe, who to real ſervices add the arts of political empiriciſm, conform to the errors of the people, comply with their prejudices, gain their hearts, and excite their enthuſiaſm, then their gratitude is a contagion; it is a whirlwind;—it is infinitely worſe to the public than their ingratitude, or than the ingratitude of kings or nobles. Our author produces, as inſtances of the ingratitude of princes—"Alexander hated Antipater and Parmenio, and "put the latter to death; Veſpaſian caſhiered the "meritorious Antonies; the king of Portugal, "Alphonſus Albuquerque; Ferdinand of Arragon, Conſalvus the Great; Henry the Seventh, "Stanley, of the houſe of Derby, who put the "crown upon his head; Sylla, his inſtruments; "Auguſtus, Cicero;" and, he might have added, many thouſands of others. After all, juſtice and ſound policy ought to be the rule and meaſure of rewards

rewards and puniſhments, not any vague ſenſation of gratitude or jealouſy. Every ſimple government, and every unbalanced mixture, muſt produce frequent inſtances, not only of ingratitude, but of injuſtice and bad policy, in the article of rewards and puniſhments; but in a mixed government, effectually balanced, it is rarely poſſible that real ſervice, merit, and virtue, ſhould go unrewarded. If the king is diſpoſed to be ungrateful, the lords and commons will not ſuffer it; if the commons are ungrateful, the king and lords will do juſtice; if the lords are faulty, the king and commons will ſet all right. The chances of ingratitude, therefore, in ſuch a government are much leſs, and the aſſurance of a juſt recompence of reward is much greater, while the danger of royal favouritiſm and popular extravagance are wholly avoided. As there is nothing of more eſſential importance to the preſervation of liberty, the promotion of proſperity, and the exaltation of the dignity and grandeur of a ſtate, than a juſt, generous, and ſteady rule of policy in rewards and puniſhments, it muſt, with all humble ſubmiſſion, be preſumed, that a mixed government has an infinite advantage of all others in this reſpect. But of all imaginable governments, that of one aſſembly is the worſt; for every man of the minority will be ſure of ingratitude and injuſtice, let his ſervice be what it will; nay, he will be in danger of puniſhment for his merit; and every man of the majority will be ſafe againſt puniſhment for many miſdemeanors, and ſure of exceſſive rewards for every trifling ſervice. We may fairly conclude, upon the whole, that none of theſe ſix objections ſtand againſt a free government of three branches; but every one of them in full force againſt a ſingle ſovereign aſſembly.

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"To educate the young fry in principles of "diſlike and enmity againſt kingly government, "and enter into an oath of abjuration, to abjure "a toleration of kings and kingly power in time "to come."—This rule was made for Charles Stuart. Brutus made the Romans ſwear, "that "they never ſhould ſuffer any man again to reign "at Rome. The Hollanders abjured Philip, his "family, and all kings, for ever." Theſe were inventions of ariſtocratical cunning, and the people were dupes for taking them. A king, meaning a ſingle perſon veſted with the whole executive, is the only remedy for the people, whenever the nobles get the better of them, and are on the ſcramble for unlimited power. Let every people have a care how they enſlave themſelves by ſuch an oath, or lay themſelves under the neceſſity of committing perjury: let them ſwear, if they will, never to be governed by an abſolute monarch; but even this had better be omitted, for there are caſes in which an abſolute monarch is a leſs evil than a crowd of lawleſs lords. A better oath for the common people would be, never to intruſt any part of the executive power to a ſenate, or, in other words, to the body of the gentlemen.

I am not without apprehenſions that I have not made myſelf fully underſtood. The people, in all nations, are naturally divided into two ſorts, the gentlemen and the ſimplemen, a word which is here choſen to ſignify the common people. By gentlemen are not meant the rich or the poor, the high-born or the low-born, the induſtrious or the idle, but all thoſe who have received a liberal education, an ordinary degree of erudition in liberal arts and ſciences, whether by birth they be deſcended from magiſtrates and officers of government, or from huſbandmen, merchants, mecha-

nics, or labourers; or whether they be rich or poor. We muſt nevertheleſs remember, that *generally* thoſe who are rich, and deſcended from families in public life, will have the beſt educations in arts and ſciences, and therefore the gentlemen will ordinarily, notwithſtanding ſome exceptions to the rule, be the richer, and born of more noted families. By the common people we mean labourers, huſbandmen, mechanics, and merchants in general, who purſue their occupations and induſtry without any knowledge in liberal arts or ſciences, or in any thing but their own trades or purſuits; though there may be exceptions to this rule, and individuals may be found in each of theſe claſſes who may really be gentlemen.

Now it ſeems to be clear that the gentlemen in every country are and ever muſt be few in number, in compariſon of the ſimplemen. If you pleaſe then, by the democratical portion of ſociety we will underſtand the common people as before explained; by the ariſtocratical part of the community we will underſtand the gentlemen: the diſtinctions which have been introduced among the gentlemen into nobility, greater or leſſer, are perfectly immaterial to our preſent purpoſe; knights, barons, earls, viſcounts, marquiſſes, dukes, and even princes and kings, are ſtill but gentlemen, and the word noble ſignifies no more than knowable, or conſpicuous. But the gentlemen are more intelligent and ſkilful, as well as generally richer and better connected, and therefore have more influence and power than an equal number of the common people: there is a conſtant energy and effort in the minds of the former to increaſe the advantages they poſſeſs over the latter, and to augment their wealth and influence

influence at their expence. This effort produces reſentments and jealouſies, contempt, hatred, and fear, between the one ſort and the other. Individuals among the common people endeavour to make friends, patrons, and protectors, among the gentlemen. This produces parties, diviſions, tumults, and war; but as the former have moſt addreſs and capacity, they gain more and more continually, until they become exhorbitantly rich, and the others miſerably poor. In this progreſs the common people are continually looking up for a protector among the gentlemen, and he who is moſt able and willing to protect them, acquires their confidence. They unite together by their feelings, more than their reflections, in augmenting his power, becauſe the more power he has, and the leſs the gentlemen have, the ſafer they are. This is a ſhort ſketch of the hiſtory of that progreſs of paſſions and feelings which has produced every ſimple monarchy in the world; and, if nature and its feelings have their courſe without reflection, they will produce a ſimple monarchy for ever. It has been the common people, then, and not the gentlemen, who have eſtabliſhed ſimple monarchies all over the world: the common people, againſt the gentlemen, eſtabliſhed a ſimple monarchy in Cæſar at Rome, in the Medici at Florence, &c. and are now in danger of doing the ſame thing in Holland; and if the Britiſh conſtitution ſhould have its euthanaſia in ſimple monarchy, according to the prophecy of Mr. Hume, it will be effected by the common people, to avoid the increaſing oppreſſions of the gentlemen.

If this is the progreſs and courſe of things (and who does not know that it is?) it follows, that it is the true intereſt and beſt policy of the common people

people to take away from the body of the gentlemen all ſhare in the diſtribution of offices, and management of the executive power. Why? Becauſe if any body of gentlemen have the gift of offices, they will diſpoſe of them among their own families, friends, and connexions; they will alſo make uſe of their votes in diſpoſing of offices, to procure themſelves votes in popular elections to the ſenate or other council, or to procure themſelves appointments in the executive department. It is the true policy of the common people to place the whole executive power in one man, to make him a diſtinct order in the ſtate, from whence ariſes an inevitable jealouſy between him and the gentlemen; this forces him to become a father and protector of the common people, and to endeavour always to humble every proud aſpiring ſenator, or other officer in the ſtate, who is in danger of acquiring an influence too great for the law, or the ſpirit of the conſtitution. This influences him to look for merit among the common people, and to promote from among them ſuch as are capable of public employments; ſo that the road to preferment is open to the common people much more generally and equitably in ſuch a government, than in an ariſtocracy, or one in which the gentlemen have any ſhare in appointments to offices.

From this deduction it follows, that the precept of our author, "to educate children (of the "common people) in principles of diſlike and "enmity againſt kingly government, and enter "into an oath of abjuration to abjure a toleration "of kings and kingly powers," is a moſt iniquitous and infamous ariſtocratical artifice, a moſt formal conſpiracy againſt the rights of mankind, and againſt that equality between the gentlemen and

and the common people which nature has eſtabliſhed as a moral right, and law ſhould ordain as a political right, for the preſervation of liberty. By kings, and kingly power, is meant, both by our author and me, the executive power in a ſingle perſon. American common people are too enlightened, it is hoped, ever to fall into ſuch an hypocrital ſnare; the gentlemen too, it is hoped, are too enlightened, as well as too equitable, ever to attempt ſuch a meaſure; becauſe they muſt know that the conſequence will be, that, after ſuffering all the evils of conteſts and diſſenſions, cruelty and oppreſſion, from the ariſtocratics, the common people will perjure themſelves, and ſet up an unlimited monarchy inſtead of a regal republic.

The ſecond rule of policy is, "not to ſuffer "particular perſons to grandiſe or greaten themſelves more than ordinary; for that by the Romans was called 'affectatio regni,' an aſpiring "to kingſhip." Melius and Manlius are again cited: "The name of the latter was ever after diſowned by his whole family, that famous family "of the Manlii, and both the name and memory "of him and of his conſulſhip were razed out "of all public records by decree of the ſenate." —It is certainly an eſſential rule in a free government, to ſuffer no man to greaten himſelf above the law: but it is impoſſible it ſhould ever be obſerved in a ſimple democracy or ariſtocracy. What might not Manlius have done, if Rome had been governed by a ſingle ſovereign aſſembly of repreſentatives? It was the ariſtocracy that murdered Manlius, much againſt the will of the democracy, ſo that the inſtance is againſt the author. The Orange family in Holland are mentioned too; but it

it is the common people who have ſupported that family, for their protection againſt the ariſtocracy. It is agreed, however, by many reſpectable writers, that the family of Orange have been dangerous in that ſtate, becauſe the people have no conſtitutional ſhare in the government, and the authority exerciſed by the ſtadtholder is not legally defined: if the people, therefore, in their anger, ſhould augment the power of that houſe too much above the ariſtocracy, it would be abſolute; but if the people ſhould expel that houſe, they muſt ſet up another, as well as demand a ſhare in the legiſlature for themſelves, or become ſlaves, and a prey to the ariſtocracy. It is a good rule for Holland to beware of too great a man; but it is equally neceſſary to beware of five thouſand men, who may eaſily become too great. But in our author's Right Conſtitution the obſervance of the rule is impoſſible. The people, if unreſtrained by a ſenate or a king, will ſet up ſome one man, and advance him to a greatneſs of dignity and authority inconſiſtent with liberty: as ſoon as any one in ſuch a government gets the command in chief of an army, he has the ſtate in his power. The common people in Holland would aſſiſt the army in making the prince abſolute (if, indeed, the prince would accept of a gift that would ruin his country as well as his houſe) if they were not reſtrained by a ſtanding ariſtocratical power, which our author abhors.

Non diurnare imperia; "not to permit a con-
"tinuation of command and authority in the hands
"of particular perſons or families."—This rule is undoubtedly neceſſary to preſerve a ſimple ariſtocracy or democracy; but it is impracticable in both, and therefore it is impracticable to preſerve

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an ariſtocracy or democracy. But this is by no means a neceſſary or proper rule in a well conſtituted free government. Command and authority may be continued for any number of years, or for life, in the ſame hands, without the leaſt danger; becauſe, upon the ſmalleſt ſymptom of an inclination to abuſe his power, he may be diſplaced by the executive, without danger or inconvenience: but in a ſimple ariſtocracy or democracy he cannot be removed at all; the majority will ſupport him at all events; or, if they do not, the majority that removes him will be ſo ſmall, that the minority who are his friends may often raiſe convulſions. It is a neceſſary rule, too, in ſuch a mixed government as that of Rome, where, in the beſt of times, the people had an authority nearly equal to that of the ſenate. Where the mixture is of two powers only, and the executive is wholly in one of them, or partly in one, and partly in another, they are in continual danger of the tyranny of a ſingle perſon, on account of the frequent diſputes between the two branches about the exerciſe of the executive and judicial power; but where the executive is in one hand, the legiſlative in three, and the judicial in hands different from both, there is rarely, if ever, any danger from a continuance of command in any one. Livy had good reaſon in the Roman ſtate to ſay, "Libertatis magna cuſtodia eſt, ſi "magna imperia eſſe non ſines, et temporis mo- "dus imponatur;" it is a grand preſervative of liberty if you do not permit "great powers and "commands to continue long, and if you limit in "point of time." And to this purpoſe the Æmilian law, if it could have been obſerved, would have been a good one. "The noble Roman, in the ninth "book, ſpoke in character, when he ſaid, 'Hoc "quidem regno ſimile eſt,' and this indeed is like "a king-

" a kingſhip, that I alone ſhould bear this great " office of cenſorſhip ' triennium et ſex menſes,' " three years and ſix months, contrary to the Æmi- " lian law." Livy too ſpeaks in character, as a good citizen of an ariſtocratical government, when in his third book he ſpeaks of a monſtrous buſi- neſs, that the ides of May were come (" which " was the time of their year's choice") and yet " no new election appointed: id vero regnum haud " dubie videre, deploratur in perpetuum libertas;" " it without doubt ſeems no other than a kingdom, " and liberty is loſt for ever." It was no doubt " treaſon for any man to hold that high office of " the dictatorſhip in his hand beyond ſix months. " Cicero's Epiſtles to Atticus concerning Cæſar " contain notable ſtuff to this purpoſe. The care " of that people in not permitting any man to bear " the ſame office twice together," was all in cha- racter, becauſe continuance in high office con- ſtantly expoſed the ſtate and conſtitution to the danger of being overturned, and converted into an abſolute monarchy. In this conſtitution too, in conſequence of the checks between the ſenate, the tribunes, and the people, there was ſome chance for having this law obſerved: but an Æmilian law, in our author's " Right Conſtitution," would be made to no purpoſe; it would be ſet aſide, with- out ceremony, when nothing but a vote of an all- powerful majority would be wanting to ſet it at defiance: but in a mixed conſtitution of three branches, ſuch a law, if made, would be punctu- ally executed, much more exactly and certainly than in the Roman conſtitution; but in ſuch a conſtitution ſuch a law would be unneceſſary, as no danger can ariſe from the continuance of any general or admiral in command. The ſame rea- ſoning is applicable to the free ſtates of Greece,

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where, Ariſtotle tells us, "this rule was ob-
"ſerved." The ſpeech of Cincinnatus to the peo-
ple, to perſuade them to let him lay down his
command, now the time was come, though the
enemy was almoſt at the gates, and never more
need, than at that time, of his valour and prudence,
is a terrible example againſt our author's ſyſtem:
for, though "no perſuaſion would ſerve the turn,
"reſign he would, telling them there would be
"more danger to the ſtate in prolonging his pow-
"er than from the enemy, ſince it might prove
"a pernicious precedent to the Roman freedom;"
yet, as no more than two or three ſuch characters
as Cincinnatus appeared in ſeven hundred years, a
ſtateſman would be mad who ſhould place the ex-
iſtence of his form of government upon the pre-
ſumption that a ſucceſſion of characters ſo diſinte-
reſted would appear to reſiſt the people themſelves
in their deſire to violate a law. If the people at
that period could forget a rule ſo eſſential to their
ſafety, what are we to expect when they, and their
idols too, are more corrupt? "M. Rutilius Cen-
"ſorinus, although he too made a ſpeech againſt
"it, gave way to the people, when they forced
"him to undergo the office of cenſor twice toge-
"ther, contrary to the intent and practice of their
"anceſtors, and accepted it upon this condition,
"that a law might paſs againſt the title in that
"and other officers, leſt it ſhould be drawn into
"precedent in time to come." But our author
all along miſtakes the ſpirit of this rule: it was
an ariſtocratical regulation altogether: it was the
ſenate and patricians who procured it to be ob-
ſerved, from an ariſtocratical motive and princi-
ple; from a jealouſy of the people on one ſide, and
of kingly power on the other. It is the ſame ſpirit
which precipitated Caſſius and Manlius from the

rock, and put Melius to death without ceremony. The people, or their repreſentatives, if uncontrouled, would not probably ever make ſuch a law; if they did, they would never long obſerve it: the people would not ſuffer it to be much or long obſerved in Rome, notwithſtanding all the exertions of the ariſtocracy. The times ſoon came when Cincinnatus's and Cenſorinus's were not found to refuſe power and office offered them againſt law, any more than Horatii and Valerii were found to poſtpone their private fortune to plebeian liberty. Even the Grecian ariſtocracies could not obſerve this rule. It was a law of Sparta that no man ſhould be twice admiral; but Lyſander had addreſs enough to perſuade his countrymen to give the title to Aratus, but the real command to himſelf, under the title of vice-admiral. Even in that which was in appearance the moſt democratical ſtate of Greece, Achaia, Aratus had the real power and command when he was out of place, as much as when he was in. Our author miſtakes too the ſpirit of the law, "that no tribune ſhould be con-"tinued two years together." This law was a mere ariſtocratical artifice, to weaken the influence of the tribunes and their conſtituents, by preventing them from acquiring confidence, ſkill, and influence, by experience. If the people had underſtood their own cauſe, they would have inſiſted upon the privilege of chooſing the ſame tribune as long as they approved his conduct.

"Not to let two of one family to bear offices of "high truſt at one time, nor to permit a continua-"tion of great powers in any one family." This rule is indiſpenſible in ariſtocracies, where the ſovereignty is in continual danger from individuals of great influence and powerful connections, where a jealouſy

jealouſy of popular men and meaſures muſt be conſtantly kept up to its higheſt pitch. The Roman rule, "Ne duo vel plures ex unâ familiâ magnos "magiſtratus gerant eodem tempore, let not two "or more of one family bear great offices at the "ſame time;" and the other, "Ne magna im-"peria ab unâ familiâ preſcribantur, let not great "commands be preſcribed or continued in one "family;" were neceſſary ariſtocratical rules, becauſe, as the patricians were always afraid of the people, who were continually urging for more power, a very powerful family, by joining with the people, might have changed the conſtitution. It is a wiſe and uſeful rule in general in all governments; but in a ſimple democracy, though it may be more neceſſary than in any other form, it is always impracticable; the people will ſet it aſide whenever they pleaſe, and will always be ſure to depart from it in favour of a favourite man or family: but in a mixed conſtitution of three branches there is leſs neceſſity of obſerving the rule with ſtrictneſs, and more facility of obſerving it when neceſſary. It is very doubtful whether the conſtitution of Rome could have been longer preſerved, if Cicero had joined Antony inſtead of Octavius. The people were now uncontrouled, and the ſenate had loſt its authority; and the people behaved as they always do, when they pretend to exerciſe the whole executive and legiſlative power; that is, they ſet up immediately one man and one family for an emperor, in effect, ſometimes reſpecting ancient forms at firſt, and ſometimes rejecting them altogether. But of all rules, this is the leaſt poſſible to perſuade them to obſerve in ſuch a caſe. The Florentine family of the Medici were ſet up in this manner by the people, who, as Machiavel informs us, aimed at all power, and a ſimple democracy;

mocracy; and in ſuch caſes "Coſimus is always "eaſily admitted to ſucceed his couſin Alexan-"der." It is not to be wondered at, that "Pom-"peius Columba ſtood up in the conclave, and "ſhewed them how dangerous and prejudicial it "muſt of neceſſity prove to the liberties of Italy, "that the popedom ſhould be continued in one "houſe, in the hands of two brothers, one after "another;" but if the election of a pope had depended upon the people of Florence, Julian de Medicis would have been choſen to ſucceed his brother, though Columba had harangued them with ever ſo much eloquence againſt it. A conclave of cardinals, and a body of people in a city, are very different electors. The continuation of power in the houſe of Orange is another inſtance in point; that family have been continued in power by the will of the people, very often expreſſed in outrageous fury, and very often much againſt the inclination of the ariſtocracy.

In every nation, under every form of government, public affairs were always managed by a very ſmall number of families, compared with the whole number. In a ſimple democracy they will ever be conducted by the ſmalleſt number of all; the people will confer all upon a very few families at firſt, and upon one alone at length. "The Roman ſenate carried all by families; ſo "does the ſenate of Venice;" but the number is greater than will ever be intruſted by a people who exerciſe the whole executive and legiſlative power in one aſſembly. But the largeſt number of families that can be introduced into actual confidence and ſervice, in any combination of the powers of ſociety, is in the compoſition of three branches; becauſe here as many families are employed to repreſent the people by numbers, as to repreſent

repreſent property in the ſenate; and it is in ſuch a form alone that ſo many families may be employed without confuſion and ſedition. Here then this rule of policy may be beſt obſerved, not to let two or more, unneceſſarily, bear high offices at once; or, if there are ſeveral of a family whoſe merit is acknowledged, they may be employed without the ſmalleſt danger.

"To hold up the majeſty and authority of their "ſuffrages or votes entire, in their ſenators or "ſupreme aſſemblies;" or, in other words, "to "maintain the free ſuffrages of ſenates or people, "untainted with the influence or mixture of any "commanding power; for if this were not ſe-"cured from *controul* or *influence* of any other "power, then actum erat de libertate."—To maintain the independence and integrity of ſuffrages, without corruption from flattery, artifice, bribes, or fear, is no doubt a good rule; but if the author here means that the power of the people ſhould be abſolute, and without controul from a ſenate or a firſt executive magiſtrate, it is begging the queſtion, and, what is more, it is notoriouſly falſe and deſtructive.

"So long," ſays our author, "as the Roman "people kept up their credit and authority as "ſacred, in their tribunes and ſupreme aſſemblies, "ſo long they continued really free." But how long was this? While they were only defending themſelves from the tyranny of the ſenate; while they were greatly inferior to the ſenate in power; while they were increaſing their own power by obtaining the office of tribune, by obtaining liberty to marry into patrician families, to be appointed ediles, conſuls, cenſors, &c.: in ſhort, while their power was inferior to that of the ſenate and controulable

controulable by it, they enjoyed as much liberty as ever was enjoyed under that government; but the moment they obtained an equality of power with the ſenate, they began to exerciſe more than their half, and to give it to their idols. "When, "by their own neglect they gave Sylla, and his "party in the ſenate, an opportunity of power to "curb them, then their ſuffrages (once eſteemed "ſacred) were trodden under foot; for immedi- "ately after they came to debate and act; but by "courteſy, the authority left being by Sylla, after "the expiration of his dictatorſhip, in the hands "of the ſtanding ſenate, ſo that it could never "after be regained by the people. Cæſar, when "he marched to Rome, deprived them alſo of "the authority of their ſuffrages; only in a for- "mal way made uſe of them; and ſo, under a "ſhadow of legality, he aſſumed that power unto "himſelf, which they durſt not deny him." Our author is never weary of producing anecdotes and examples from hiſtory, which prove his own ſyſtem to be infallibly deſtructive of liberty. It is a miſerable conſolation to a virtuous citizen, who has loſt his liberty, to tell him that he has loſt it "by "the neglect and fault of his fellow-citizens in "general;" it is the moſt humiliating and deſperate ſlavery of all. If he had loſt it by the ſimple uſurpation of a ſingle man or ſenate, without the fault of the people (if that indeed is a poſſible or ſuppoſeable caſe) he might ſtill entertain a hope of regaining it; but when we are told that a people loſt their liberty by a neglect or fault that we know they will always commit when uncontrouled, is it not a concluſive argument for providing in the conſtitution an effectual controul? When the people exerciſe all powers in ſingle aſſemblies, we know that the power of Sylla and Cæſar will al-

ways

ways mix in, and influence and controul: it is impoſſible, then, that in our author's form of government this fifth rule of policy ever ſhould be obſerved, or the ſuffrages kept pure and upright. "Juſt in the ſame manner dealt Coſmus in the "Florentine ſenate: he made uſe of their ſuf-"frages, but he had ſo played his cards before-"hand, that they durſt not but yield to his ambi-"tion. So Tiberius firſt brought the ſuffrages "of the ſenate at his own devotion, that they "durſt not but conſent to his eſtabliſhment, and "then ſo ordered the matter that he might ſeem "to do nothing, not only without their conſent, "but to be forced to accept the empire by their "intreaty; ſo that you ſee there was an empire in "effect long before it was declared in formality." Will duplicity be leſs practicable, or leſs common, in an aſſembly of the people than in a ſenate? May not an empire or deſpotiſm in effect, though democratical in form, be leſs difficult to accompliſh than even under an ariſtocratical form? Empire of particular men will exiſt in effect under every ſimple form, and every unequal mixture: an empire of laws in reality can be maintained only in an equal mixture of all three.

"That the people be continually trained up in "the exerciſe of arms, and the militia lodged only "in the people's hands, or that part of them "which are moſt firm to the intereſt of liberty, "that ſo the power may reſt fully in the diſpo-"ſition of their ſupreme aſſemblies."—The limitation to "that part moſt firm to the intereſt of "liberty," was inſerted here, no doubt to reſerve the right of diſarming all the friends of Charles Stuart, the nobles and biſhops. Without ſtopping to enquire into the juſtice, policy, or neceſſity of this

this, the rule in general is excellent: all the conſequences that our author draws from it, however cannot be admitted. One conſequence was, according to him "that nothing could at any "time be impoſed upon the people but by their "conſent," that is, by the conſent of themſelves, "or of ſuch as were by them intruſted. As Ariſ-"totle tells us, in his fourth book of Politics, the "Grecian ſtates ever had ſpecial care to place the "uſe and exerciſe of arms in the people, becauſe "the commonwealth is theirs who hold the arms: "the ſword and ſovereignty ever walk hand in "hand together." This is perfectly juſt. "Rome, "and the territories about it, were trained up "perpetually in arms, and the whole common-"wealth, by this means, became one formal mi-"litia. There was no difference in order be-"tween the citizen, the huſbandman, and the "ſoldier." This was the "uſual courſe, even "before they had gained their tribunes and aſ-"ſemblies; that is, in the infancy of the ſenate, "immediately after the expulſion of their kings." But why does our author diſguiſe that it was the ſame under the kings? This is the truth; and it is not honeſt to conceal it here. In the times of Tarquin, even, we find no ſtanding army, "not any form of ſoldiery;"—"nor do we find, "that in after times they permitted a depoſition "of the arms of the commonwealth in any other "way, till their empire increaſing, neceſſity con-"ſtrained them to erect a continued ſtipendiary "ſoldiery abroad, in foreign parts, either for the "holding or winning of provinces." Thus we have the truth from himſelf; the whole people were a militia under the kings, under the ſenate, and after the ſenate's authority was tempered by popular tribunes and aſſemblies; but after the people

people acquired power, equal at leaſt, if not ſuperior to the ſenate, then " forces were kept up, " the ambition of Cinna, the horrid tyranny of " Sylla, and the inſolence of Marius, and the " ſelf ends of divers other leaders, both before " and after them, filled all Italy with tragedies, " and the world with wonder." Is not this an argument for the power of kings and ſenates, rather than the uncontroulable power of the people, when it is confeſſed that the two firſt uſed it wiſely, and the laſt perniciouſly? The truth is, as he ſaid before, " the ſword and ſovereignty go together." While the ſovereignty was in the ſenate under kings, the militia obeyed the orders of the ſenate given out by the kings; while the ſovereignty was in the ſenate, under the conſuls, the militia obeyed the orders of the ſenate given out by conſuls; but when the ſovereignty was loſt by the ſenate, and gained by the people, the militia was neglected, a ſtanding army ſet up, and obeyed the orders of the popular idols. " The people, ſee- " ing what miſery they had brought upon them- " ſelves, by keeping their armies within the " bowels of Italy, paſſed a law to prevent it, and " to employ them abroad, or at a convenient diſ- " tance: the law was, that if any general march- " ed over the river Rubicon, he ſhould be de- " clared a public enemy;" and in the paſſage of that river this following inſcription " was erect- " ed, to put the men of arms in mind of their du- " ty: 'Imperator, ſive miles, ſive tyrannus armatus " quiſque, ſiſtito vexillum, armaque deponito, nec " citra hunc amnem trajicito;' general, or ſol- " dier, or tyrant in arms, whoſoever thou be, " ſtand, quit thy ſtandard, and lay aſide thy arms, " or elſe croſs not this river." But to what purpoſe was the law? Cæſar knew the people now to

be ſovereign, without controul of the ſenate, and that he had the confidence both of them and his army, and *caſt the die*, and erected " prætorian " bands, inſtead of a public militia; and was fol- " lowed in it by his ſucceſſors, by the Grand Sig- " nior, by Coſmus the firſt great duke of Tuſ- " cany, by the Muſcovite, the Ruſſian, the Tar- " tar, by the French," and, he might have added, by all Europe, who by that means are all abſolute, excepting England, becauſe the late king Charles I. who attempted it, did not ſucceed; and becauſe our author's " Right Conſtitution of a Commonwealth" did not ſucceed: if it had, Oliver Cromwell and his deſcendants would have been emperors of Old England as the Cæſars were of Old Rome. The militia and ſovereignty are inſeparable. In the Engliſh conſtitution, if the whole nation were a militia, there would be a militia to defend the crown, the lords, or the commons, if either were attacked: the crown, though it commands them, has no power to uſe them improperly, becauſe it cannot pay or ſubſiſt them without the conſent of the lords and commons; but if the militia are to obey a ſovereignty in a ſingle aſſembly, it is commanded, paid, ſubſiſted, and a ſtanding army too may be raiſed, paid, and ſubſiſted, by the vote of a majority; the militia then muſt all obey the ſovereign majority, or divide, and part follow the majority, and part the minority. This laſt caſe is civil war; but until it comes to this, the whole militia may be employed by the majority in any degree of tyranny and oppreſſion over the minority. The conſtitution furniſhes no reſource or remedy; nothing affords a chance of relief but rebellion and civil war: if this terminates in favour of the minority, they will tyrannize in their turns, exaſperated by revenge,

venge, in addition to ambition and avarice; if the majority prevail, their domination becomes more cruel, and ſoon ends in one deſpot. It muſt be made a ſacred maxim, that the militia obey the executive power, which repreſents the whole people in the execution of laws. To ſuppoſe arms in the hands of citizens, to be uſed at individual diſcretion, except in private ſelf-defence, or by partial orders of towns, counties, or diſtricts of a ſtate, is to demoliſh every conſtitution, and lay the laws proſtrate, ſo that liberty can be enjoyed by no man—it is a diſſolution of the government. The fundamental law of the militia is, that it be created, directed, and commanded by the laws, and ever for the ſupport of the laws. This truth is acknowledged by our author, when he ſays, "The arms of the commonwealth ſhould be "lodged in the hands of that part of the people "which are firm to its eſtabliſhment."

"Children ſhould be educated and inſtructed in "the principles of freedom. Ariſtotle ſpeaks "plainly to this purpoſe, ſaying 'that the inſtitu-"tion of youth ſhould be accommodated to that "form of government under which they live; for-"aſmuch as it makes exceedingly for the pre-"ſervation of the preſent government,' whatſo-"ever it be."—It is unneceſſary to take pains to ſhew, that the "impreſſions men receive in youth "are retained in full age, though never ſo bad, "unleſs they happen, which is very rare, to quit "the corrupt principles of education by an ex-"cellent reaſon and ſound judgment;" nor is it neceſſary to cite the teſtimonies "of Plutarch or "Iſocrates," Plato or Solomon, or "Cæſar's Com-"mentaries," nor the examples of "Greece or "Gallia," and her "Druids."—The example of the difficulty

difficulty the Romans found to eſtabliſh their ariſtocracy upon the ruins of monarchy, ariſing from the education of their youth (even the ſons of Brutus) in different principles, and the obſtructions experienced by the Cæſars in eſtabliſhing deſpotiſm among a people educated under a commonwealth, are oppoſite enough. Education is more indiſpenſible, and muſt be more general, under a free government than any other. In a monarchy, the few who are likely to govern muſt have ſome education, but the common people muſt be kept in ignorance; in an ariſtocracy, the nobles ſhould be educated, but here it is even more neceſſary that the common people ſhould be ignorant; but in a free government knowledge muſt be general, and ought to be univerſal. Yet ſuch is the miſerable blindneſs of mankind, that in our author's "Right Conſtitution" it is very doubtful whether the pitiful motive of ſaving the expence would not wholly extinguiſh public education. If there were not a ſenate, but the people in one aſſembly ruled all, it is a ſerious queſtion, whether there is one people upon earth ſo generally generous and intelligent, as to maintain ſchools and univerſities at the public expence. The greater number of every people are ſtill ignorant; and although their leaders might artfully perſuade them to a thouſand idle expences, they would not be able to perſuade them to this. Education, then, muſt be ſupported by private munificence; and this ſource, although ſufficient to maintain a few ſchools and a univerſity in a great nation, can never be ſufficient to maintain ſchools in ſufficient numbers to educate a whole people. Where a ſenate is preſerved, it is always a maxim with them to reſpect learning, and educate their own families; their example is followed by all others, who

who are any way in eaſy circumſtances: in a government of three branches, commoners as well as nobles are under a neceſſity of educating their children, becauſe they hope to be called to public ſervice, where it is neceſſary. In all the mixed governments of antiquity, education was neceſſary, and where the people had a ſhare it was the moſt generally practiſed; but in a ſimple government it never was general. In Sparta it was far from being general; it was confined to youth of family; ſo it was under the ariſtocracy in Rome: and although we have no examples of ſimple democracy to recur to, we need only conſider, that the majority muſt be ignorant and poor; and recollect the murmurs and oppoſition made by numbers of the loweſt claſſes, who are often joined for ſiniſter purpoſes by ſome men of conſequence, to be convinced, that a general public education never can long exiſt in a ſimple democracy;—the ſtingineſs, the envy, and malignity of the baſe and ignorant, would be flattered by the artful and deſigning, and the education of every family left to its own expence, that the rich only might have their children educated.

" To uſe liberty with moderation, leſt it turn " to licentiouſneſs; which, as it is a tyranny it- " ſelf, ſo it uſually occaſions the corruption and " converſion of a free ſtate into monarchical ty- " ranny."—This is a caution to the people, and can do no harm; but will do little more good, than " be ye warmed, and be ye clothed," will relieve the wants of the poor. Lectures, and ſermons, and admonitions, will never be ſufficient to make all men virtuous; political, as well as moral, writers and exhorters will ſpend their ink and breath, not in vain, it is to be hoped, but without

out completely reforming the world, and reſtoring innocence and purity to all mankind. How then is the tyranny of licentiouſneſs to be avoided? By the energy of laws. And where will be the energy of law, when a majority may ſet it aſide upon every queſtion? Will not the licentious rich man, who has perhaps greater influence in elections for his licentiouſneſs, be protected from puniſhment by his party in the houſe? Will not the continual proſtitution of judgment in the executive courts, to the views of a political party, increaſe and propagate licentiouſneſs? Will not the daily proſtitution of the executive power, by beſtowing offices, not for virtue or abilities, but merely for party merit, daily increaſe licentiouſneſs? Will not the appropriation of the public money to elections increaſe the means of debauchery among the vicious? Will not the minor party be neceſſitated to imitate the majority in theſe practices as much as poſſible, in order to keep themſelves in any hopes? When their hopes are gone, they muſt join the other ſide in worſhipping the ſame idols, who then become complete deſpots. In our author's plan of government, then, his caution againſt licentiouſneſs will be thrown away; but in a mixed government it will be extremely uſeful. The laws may be made to concur with ſermons, and the ſcourge, the pillory, and the gallows, may enforce the precepts of moral writers: the magiſtrate may be a terror to evil doers, and a praiſe to them that do well, inſtead of being a terror only to the minority, and a praiſe to thoſe who oppreſs them. As cautions and admonitions, therefore, are undoubtedly uſeful in a government truly free, though idle and trifling in a ſimple democracy, let us proceed to conſider thoſe of our author.

His

His firſt caution under this eighth rule of policy is, " It is above all things neceſſary to avoid " civil diſſenſions;" and " the uttermoſt remedy " is not to be uſed upon every diſtemper or de- " fault of thoſe that ſhall be intruſted with the " people's power and authority." How charming it is for brothers to live in harmony ! The ſmalleſt things increaſe by concord ! How many beautiful ſentiments, in heavenly numbers, from writers ſacred and profane, might be ſaid or ſung in honour of peace, concord, harmony, and brotherly love ! repetitions of them from age to age have been made, no doubt, to the edification and comfort of many; but, alas! diſſenſions ſtill exiſt, and daily ariſe, in every nation, city, village, and, I fear, I may add family, in the whole world. Something more efficacious, then, than moral ſong, ingenious fable, philoſophic precept, or Chriſtian ordinance, with reverence be it ſpoken, muſt be employed in ſociety or diſſenſions will ſtill ravage and deſolate the world. In a ſimple democracy the citizens will not all think alike ; various ſyſtems of policy will be approved by different perſons ; parties will be formed, even with the beſt intentions, and from the pureſt motives ; others will be formed from private views and from baſe motives: the majority muſt decide, and, to obtain this, the good will be obliged to unite with the bad, and probably there will be no circle or combination, no club or party in the houſe, but will be compoſed partly of diſintereſted men and partly by intereſted ones, partly by the virtuous, and partly by the vicious; honeſt men and knaves, wiſe men and fools; will be kneaded together in every maſs., Out of the colliſions of theſe diſſentions unavoidably grow, and therefore ſome proviſion muſt be made to decide them. An upright

right independent tribunal, to judge of controverſies, is indiſpenſible; and an upright, independent, judiciary tribunal, in a ſimple democracy, is impoſſible. The judges cannot hold their commiſſions but durante bene placito of the majority; if a law is made, that their commiſſions ſhall be quamdiu ſe bene geſſerint, this may be repealed whenever the majority will, and, without repealing it, the majority only are to judge when the judges behave amiſs, and therefore have them always at mercy. When diſputes ariſe between the rich and poor, the higher and the lower claſſes, the majority in the houſe muſt decide them; there is no poſſibility, therefore, of having any fixed rule to ſettle diſputes and compoſe contentions: but in a mixed government the judges cannot be diſplaced but by the concurrence of two branches, who are jealous of each other, and can agree in nothing but juſtice;—the houſe muſt accuſe, and the ſenate condemn; this cannot be without a formal trial, and a full defence. In the other a judge may be removed, or condemned to infamy, without any defence, or hearing, or trial. This part of our author's caution, then, is vain, uſeleſs, and idle, in his own form of government, but wiſe, juſt, and excellent, in a government properly mixed: ſuch cautions are provided by the conſtitution itſelf, that civil diſſenſions can ſcarcely ever ariſe; or, if they do, may be eaſily compoſed.

The other part of the caution, "that the ut-"termoſt remedy is not to be uſed upon every "diſtemper or default of thoſe that ſhall be in-"truſted with the people's power and authority," is, in a ſimple democracy, totally uſeleſs and impracticable. There is no other remedy but the uttermoſt for any diſtemper or default: the courts

courts of juſtice, being tools of the majority, will give no remedy to any of the minority: petitions and remonſtrances to the houſe itſelf, againſt its own proceedings, will be deſpiſed or reſented; ſo that there can be abſolutely no remedy but in arms, or by the enormity of tumult, diſſenſion, and ſedition, which I ſuppoſe are meant by "the uttermoſt remedy."

It is very true, as our author ſays, "if one in-"convenience happen in government, the correc-"tion or curing of it by violence introduceth a "thouſand; and for a man to think civil war or "the ſword is a way to be ordinarily uſed for the "recovery of a ſick ſtate, it were as great a mad-"neſs as to give ſtrong waters in a high fever; "or as if he ſhall let himſelf blood in the heart to "cure the aching of his head." This is perfectly juſt, and expreſſed with great beauty, propriety, and force: yet it is certain, that a member of the minor party, in Needham's and Turgot's government, has no chance for any other remedy; and even this is often as deſperate as it is always dreadful, becauſe the weaker muſt attack the ſtronger. If the only expedient to, "confute the arguments" againſt ſuch a collection of authority in one centre be, that ſuch a people "give them the lye by a "diſcreet and moderate behaviour in all their pro-"ceedings, and a due reverence of ſuch as they "have once elected and made their ſuperiors." theſe arguments will never be confuted, and the cauſe of liberty is deſperate; becauſe it is as deſperate to expect that a majority uncontrouled ſhould behave always diſcreetly and moderately, as to expect that all men will be wiſe and good.

Our author's criterion for determining the caſes in which the people (in whom "all majeſty and "authority fundamentally reſides, being only mi-

" niſterially in their truſtees or repreſentatives) " may uſe ſharp and quick remedies for the cure " of a commonwealth," is very judicious, and has been the rule in all Engliſh revolutions ſince— " in ſuch caſes only as are manifeſt intrenchments " either in deſign or in being, by men of power, " upon the fundamentals or eſſentials of their li- " berty, without which liberty cannot conſiſt."— This rule is common to him and Milton, and has been adopted by Sidney, Locke, Burnet, Hoadley: but this rule is uſeleſs in a ſimple democracy. The minority have no chance for juſtice in ſmaller caſes, becauſe every department is in the hands of their enemies; and when the tyranny arrives at this laſt extremity, they have no hope, for all the means, at leaſt the moſt of the means, of quick and ſharp remedies, are in the hands of their enemies too; ſo that the moſt deſperate, irremediable, and forlorn condition of liberty, is in that very collection of all authority into one centre, that our author calls " a right Conſtitution of a Commonwealth."

The inſtance brought by our author to illuſtrate his meaning, proves the ſame thing. In that contention of three hundred years in Rome, between the ſenate and people, about the diviſion of the conquered lands, the people made a law that no citizen ſhould poſſeſs above five hundred acres of land. The ſenators cried it was an abridgment of liberty; the people cried it was inconſiſtent with liberty, that the ſenators ſhould engroſs too much wealth and power. Livy ſays, " the people were " right, and the ſenators wrong, but that both did " ill in making it a ground of civil diſſenſion;" for the Gracchi, inſtead of finding out moderate expedients to reduce the ſenators to reaſon, proceeded with

with ſuch heat and violence, that the ſenate was forced to chooſe Sylla for their general; which being obſerved by the people, they alſo raiſed an army, and made Marius their general, and herein came to a civil war, "which, through fines, baniſh-"ment, inhuman cruelties acted on both ſides, "defeats in the open field, and maſſacres within "the city, coſt the beſt blood and eſtates of the "nobility and commons, and in the end coſt "them their liberty, for out of the root of this "ſprang that civil war between Pompey and Cæ-"ſar." All this again, which is true and juſt, ſhews that our author had read the Roman hiſtory with diſcernment, and renders it more unaccountable that he ſhould have perverted ſo much good ſenſe and learning to ſupport a fantaſtical image, that he muſt have ſeen could not endure. The example in queſtion ſhews more than the impracticability of liberty in a ſimple democracy; it ſhews the imperfection of a mixture of two powers, a ſenate and people. In a ſimple democracy, whatever diſpute ariſes, whether about a diviſion of lands, or any thing elſe, muſt be decided by the majority; and if their decree is unjuſt, there is no remedy but to appoint Sylla and Marius generals. In the Roman mixture of two powers there is no remedy to decide the diſpute, but to appoint Sylla and Marius, Pompey and Cæſar; but when there are three branches, after two have offered all poſſible arguments, and cannot agree, the third has only to conſider which is neareſt juſtice, and join with that, to decide the controverſy and reſtore the peace. It ſhall readily be granted, that the civil war between Marius and Sylla was needleſs, and about an object, which did not immediately affect the fundamentals of the conſtitution; yet indirectly it did; and the fact is, that the ſtruggle now began

began to be ſerious which ſhould be maſter. It was no longer a queſtion, whether the ſenate ſhould be reſtrained, but whether the people ſhould be maſters. The army under Pompey was neceſſary. Why? To prevent the people from being maſters, and to defend the exiſtence of the ſenate. The people indeed were already maſters, and would have an idol. The inſtance of Charles the Firſt may be equally applicable; but thoſe times afford as melancholy an example of a dominatio plebis, as they do a ſucceſsful one of reſiſtance to a tyrant. But if any one thinks theſe examples and cautions, without a balance in the conſtitution, will inſtruct people how to demean themſelves, and avoid licentiouſneſs, tumult, and civil diſſention, and in all "the neceſſary points of prudence and forbear-"ance which ought to take place in reſpect of "ſuperiors, till it ſhall evidently appear unto a "people, that there is a deſign on foot to ſurpriſe "and ſeize their liberties," he will be miſerably miſtaken. In a ſimple democracy they will riſe in arms, a thouſand times, about common affairs of meum and tuum, between the major and minor party, before any fundamental attack ſhall be made on the conſtitution.

"That in all elections of magiſtrates, they have "an eſpecial eye upon the public, in making "choice of ſuch perſons only as have appeared "moſt eminent and active in the eſtabliſhment "and love of freedom."

But ſuppoſe any of the people ſhould love their friends better than liberty, and themſelves better than the public, as nine tenths of the people did in the pureſt moments of Grecian and Roman liberty, even when Ariſtides appeared as a rare phænomenon in one, and Cincinnatus in the other? In ſuch

ſuch caſe they will vote for their friends, though royaliſts, papiſts, malignants, or call them by what name you will. In our author's "Right Conſti-"tution" many will vote for a treat, many for a job, ſome for exemption from puniſhment for a crime, ſome for a monopoly, and ſome for the promiſe of an office. This will not be virtuous, but how can you help that?

"In the hands of thoſe," ſays our author, "who "have appeared moſt eminent and active in the "eſtabliſhment of freedom, may be ſafely placed "the guardianſhip of liberty; becauſe ſuch men "have made the public intereſt and their own all "one, and therefore will neither betray nor deſert "it in proſperity or adverſity." This was modeſtly beſpeaking unlimited confidence for Oliver Cromwell and his aſſociates; and ſuch blind, raſh confidence has ſurrendered the liberties of all nations: but it is not the language nor the maxim of liberty; her univerſal precept ſhould be, *truſt not to human nature, without a controul, the conduct of my cauſe.* To lay it down "as a certain rule, that "if any perſon be admitted into power that loves "not the commonwealth above all conſiderations, "ſuch a man is every man's money; any ſtate-"merchant may have him for a factor; and for "good conſideration he will often make returns "upon the public intereſt, have a ſtock going in "every party, and with men of every opinion; "and, if occaſion ſerve, truck with the common "enemy and commonwealth both together," is perhaps to rely upon a patriotiſm that never exiſted in any whole nation. It is to be feared the commonwealth would ſuffer in moſt countries: but admitting ſo exalted an opinion of the patriotiſm of any given country, it will ſtill remain true, that there will be differences of ſentiment concerning

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the good of the commonwealth; and the parties formed by theſe diviſions, if uncontrouled, will have all the ill conſequences that have been pointed out. The more ſincerely parties love the republic, with ſo much the more ardour will they purſue their own notions of its good. Ariſtotle's opinion, in the firſt book of his Politics "Per "negligentiam mutatur ſtatus reipublicæ, cum ad "poteſtates aſſumuntur illi qui preſentem ſtatum "non amant; the form of a commonwealth is "then altered by negligence, when thoſe men are "taken into power who do not love the preſent "eſtabliſhment," may be well founded; and yet it may not follow that it is ſafe to truſt omnipotence to thoſe who are well affected, nay even to thoſe who really love the commonwealth above all other things, and prefer her good to their own, ſince that character may change, and thoſe virtues too may not be accompanied with ſo many motives and ſo many advantages of information, in what the good of the public conſiſts, as may be had in a diviſion and mixture of powers. It is a good rule "to avoid thoſe who hate the commonwealth, "and thoſe who are neutral and indifferent about "it;" and no doubt moſt of the broils, tumults, and civil diſſenſions, in free ſtates, have been occaſioned by "the ambitious, treacherous, and in-"direct practices of ſuch perſons admitted into "power, as have not been firm in their hearts to "the intereſts of liberty." But how ſhall the people know whoſe heart will ſtand the trial, when ſo many people have been diſappointed before them? Rome is again quoted as an example; and the ſenate are ſaid to have garbled, perplexed, and turmoiled the people's affairs, concernments, and underſtandings: but although this is true, it is equally ſo that the people perplexed their own affairs,

fairs, and thoſe of the ſenate too.—You, who have pardoned already ſo many digreſſions, will eaſily excuſe another in this place. The words virtue and patriotiſm might have been enumerated among thoſe of various and uncertain ſignification. Monteſquieu's Spirit of Laws is a very uſeful collection of materials; but is it too irreverent to ſay that it is an unfiniſhed work*? He defines a republican government to be "that in which the "body, or only a part of the people, is poſſeſſed "of the ſupreme power†." This agrees with Johnſon's definition, "a ſtate in which the govern- "ment is more than one."—"When the body of "the people," ſays Monteſquieu‡, "in a republic, "are poſſeſſed of the ſupreme power, this is called "a democracy; when the ſupreme power is lodged "in the hand of a part of the people, it is then "an ariſtocracy." And again§, "it is the na- "ture of a republican government, that either the "collective body of the people, or particular "friends, ſhould be poſſeſſed of the ſovereign "power. In a popular ſtate, virtue is the neceſ- "ſary ſpring of government||. As virtue is ne- "ceſſary in a popular government, ſo it is neceſ- "ſary alſo under an ariſtocracy. True it is, that "in the latter it is not ſo abſolutely requiſite." Does this writer mean that honour and fear, the former of which he calls the principle of monarchy, and the latter of deſpotiſm, cannot exiſt in a republic? or that they are not neceſſary? Fear, ſurely, is neceſſary in a republican government: there can be no government without hopes and fears. Fear then, in truth, is at leaſt one principle

* C'eſt le portefeuille d'un homme, d'eſprit, qui a été jette par le fenetre et ramaſſee par des ſots, ſaid Voltaire.

† Spirit of Laws, book ii. c. 1. ‡ B. ii. c. 2.

§ B. iii. c. 2. || B. iii. c. 3.

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in every kind of government, in the ſimpleſt democracy as well as the ſimpleſt deſpotiſm. This arrangement, ſo exact and ſyſtematical in appearance, and which has been celebrated as a diſcovery of the principles of all government, is by no means ſatisfactory, ſince virtue and honour cannot be excluded from deſpotiſms, nor fear nor virtue from monarchies, nor fear nor honour from republics; but at leaſt it is apparent that in a republic, conſtituted as we propoſe, the three principles of fear, honour, and virtue, unite and produce more union among the citizens, and give greater energy to the laws.—But not to enlarge on this, let us proceed to the enquiry, what is virtue? It is not that claſſical virtue which we ſee perſonified in the choice of Hercules, and which the ancient philoſophers ſummed up in four words, prudence, juſtice, temperance, and fortitude. It is not Chriſtian virtue, ſo much more ſublime, which is ſummarily comprehended in univerſal benevolence. What is it then? According to Monteſquieu*, it ſhould ſeem to be merely a negative quality; the abſence only of ambition and avarice: and he thinks that what he thus advances is confirmed by the unanimous teſtimony of hiſtorians. But is this matter well conſidered? Look over the hiſtory of any republic, and can you find a period in it, in which ambition and avarice do not appear in very ſtrong characters, and in which ambitious men were not the moſt popular. In Athens, Piſiſtratus and his ſucceſſors were more popular, as well as ambitious, than Solon, Themiſtocles than Ariſtides, &c. In Rome, under the kings, the eternal plots of the nobles againſt the lives of the kings, to uſurp their thrones, are proofs of an ardent and unbridled ambition. Nay, if we attentively examine the moſt

* Book iii. c. 3.

virtuous

virtuous characters, we ſhall find unequivocal marks of an ardent ambition. The elder Brutus, Camillus, Regulus, Curius, Æmilius, Cato, all diſcover an ambition, a thirſt of glory, as ſtrong as that of Cæſar: an honourable ambition, an ambition governed by juſtice, if you will; but an ambition ſtill. But there is not a period, in Athenian or Roman annals, when great characters did not appear actuated by ambition of another kind; an unjuſt and diſhonourable ambition: ſuch as Piſiſtratus, Themiſtocles, Appius Claudius, &c. and theſe characters were always more popular than the others, and were ſupported chiefly by plebeians, not ſenates and patricians. If the abſence of avarice is neceſſary to republican virtue, can you find any age or country in which republican virtue has exiſted? That ſingle characters, or a few among the patricians, have exiſted, who were exempt from avarice, has been already admitted; but that a moment ever exiſted, in any country, where property was enjoyed, when the body of the people were univerſally or even generally exempted from avarice, is not eaſy to prove. Every page of the hiſtory of Rome appears equally marked with ambition and avarice; and the only difference appears in the means and objects. In ſome periods the nation was extremely poor, in others immenſely rich; but the paſſions exiſted in all; and the Roman ſoldiers and common people were for ever quarrelling with their moſt virtuous generals, for refuſing to indulge their avarice, by diſtributing the ſpoils among them, and for loving the public too well, by putting the booty into the public treaſury. Shall we ſay then that republican virtue is nothing but ſimple poverty; and that poverty alone can ſupport ſuch a government? But Mon-

teſquieu tells us*, virtue in a republic, is a love of the republic; virtue in a democracy, is love of the democracy: and why might he not have ſaid, that virtue in a monarchy, is a love of the monarchy; in a deſpotiſm, of the deſpot; in a mixed government, of the mixture? Men in general love their country and its government. Can it be proved that Athenians loved Athens, or Romans Rome, more than Frenchmen love France, or Engliſhmen their iſland? There are two principal cauſes of diſcrimination.—The firſt is, the greatneſs or ſmalleſs of the ſtate. A citizen of a ſmall republic, who knows every man and every houſe in it, appears generally to have the ſtrongeſt attachment to it, becauſe nothing can happen in it that does not intereſt and affect his feelings: but in a great nation, like France or England, a man is as it were loſt in the crowd; there are very few perſons that he knows, and few events that will much affect him; yet you will find him as much attached to his circle of friends and knowledge as the inhabitant of the ſmall ſtate.—The ſecond is, the goodneſs or badneſs of the conſtitution, the climate, ſoil, &c. Other things being equal, that conſtitution, whoſe bleſſings are the moſt felt, will be moſt beloved; and accordingly we find, that governments the beſt ordered and balanced have been moſt beloved, as Sparta, Athens, Carthage, Rome, and England, and we might add Holland, for there has been, in practice and effect, a balance of three powers in that country, though not ſufficiently defined by law. Moral and Chriſtian, and political virtue, cannot be too much beloved, practiſed, or rewarded; but to place liberty on that foundation only would not be ſafe: but

* Book v. c. 2. 3.

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it may be well queſtioned, whether love of the body politic is preciſely moral or Chriſtian virtue, which requires juſtice and benevolence to enemies as well as friends, and to other nations as well as our own. It is not true, in fact, that any people ever exiſted who loved the public better than themſelves, their private friends, neighbours, &c. and therefore this kind of virtue, this ſort of love, is as precarious a foundation for liberty as honour or fear: it is the laws alone that really love the country, the public, the whole better than any part; and that form of government which unites all the virtue, honour, and fear of the citizens, in a reverence and obedience to the laws, is the only one in which liberty can be ſecure, and all orders, and ranks, and parties, compelled to prefer the public good before their own;—that is the government for which we plead. The firſt magiſtrate may love himſelf, and family, and friends, better than the public, but the laws, ſupported by the ſenate, commons, and judges, will not permit him to indulge it; the ſenate may love themſelves, their families, and friends, more than the public, but the firſt magiſtrate, commons, and judges, uniting in ſupport of public law, will defeat their projects; the common people, or their repreſentatives, may love themſelves and partial connections better than the whole, but the firſt magiſtrate, ſenate, and judges, can ſupport the laws againſt their enterprizes; the judges may be partial to men or factions, but the three branches of the legiſlature, united to the executive, will eaſily bring them back to their duty. In this way, and in no other, can our author's rule be always obſerved, "to avoid all who "hate the commonwealth, and thoſe who are "neutral and indifferent about it."

Monteſquieu

Monteſquieu adds,* "a love of democracy is "that of equality." But what paſſion is this? Every man hates to have a ſuperior, but no man is willing to have an equal; every man deſires to be ſuperior to all others. If the meaning is, that every citizen loves to have every other brought down to a level with himſelf, this is ſo far true, but is not the whole truth: when every man is brought down to his level, he wiſhes them depreſſed below him; and no man will ever acknowledge himſelf to be upon a level or equality with others, till they are brought down lower than him.—Monteſquieu ſubjoins, "a love of the de-"mocracy is likewiſe that of frugality." This is another paſſion not eaſily to be found in human nature. A paſſion for frugality, perhaps, never exiſted in a nation, if it ever did in an individual. It is a virtue: but reaſon and reflection prove the neceſſity and utility of this virtue; and after all, it is admired and eſteemed more than beloved. But to prove that nations, as bodies, are never actuated by any ſuch paſſion for frugality, it is ſufficient to obſerve, that no nation ever practiſed it but from neceſſity. Poor nations only are frugal, rich ones always profuſe; excepting only ſome few inſtances, when the paſſion of avarice has been artfully cultivated, and became the habitual national character: but the paſſion of avarice is not a love of frugality. Is there, or is there not, any ſolid foundation for theſe doubts? Muſt we bow with reverence to this great maſter of laws, or may we venture to ſuſpect that theſe doctrines of his are ſpun from his imagination? Before he delivered ſo many grave leſſons upon democracies, he would have done well to have

* Spirit of Laws, book v. chap. 3.

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ſhown when or where ſuch government exiſted. Until ſome one ſhall attempt this, one may venture to ſuſpect his love of equality, love of frugality, and love of the democracy, to be fantaſtical paſſions, feigned for the regulation and animation of a government that never had a more ſolid exiſtence than the flying iſland of Lagado.

Suppoſe we ſhould venture to advance the following propoſitions, for further examination and reflection.

1. No democracy ever did or can exiſt.

2. If, however, it were admitted, for argument ſake, that a democracy ever did or can exiſt, no ſuch paſſion as a love of democracy, ſtronger than ſelf-love, or ſuperior to the love of private intereſt, ever did, or ever can, prevail in the minds of the citizens in general, nor of a majority of them, nor in any party or individual of them.

3. That if the citizens, or a majority of them, or any party or individual of them, in action and practice, preferred the public to his private intereſt, as many undoubtedly would, it would not be from any ſuch paſſion as love of the democracy, but from reaſon, conſcience, a regard to juſtice, and a ſenſe of duty and moral obligation; or elſe from a deſire of fame, and the applauſe, gratitude, and rewards of the public.

4. That no love of equality, at leaſt ſince Adam's fall, ever exiſted in human nature, any otherwiſe than as a deſire of bringing others down to our own level, which implies a deſire of raiſing ourſelves above them, or depreſſing them below us. That the real friends of equality are ſuch from reflection, judgment, and a ſenſe of duty, not from any paſſion, natural or artificial.

5. That no love of frugality ever exiſted as a paſſion,

paſſion, but always as a virtue, approved by deep and long reflection, as uſeful to individuals as well as the democracy.

6. That therefore the democracy of Monteſquieu, and its principle of virtue, equality, frugality, &c. according to his definitions of them, are all mere figments of the brain, and deluſive imaginations.

7. That his paſſion of love of the democracy would be, in the members of the majority, only a love of the majority; in thoſe of the minority, only a love of the minority.

8. That his love of equality would not even be pretended towards the members of the minority, but the ſemblance of it would only be kept up among the members of the majority.

9. That the diſtinction between nature and philoſophy is not enough attended to; that nations are actuated by their paſſions and prejudices; that very few, in any nation, are enlightened by philoſophy or religion enough to be at all times convinced that it is a duty to prefer the public to a private intereſt, and fewer ſtill are moral, honourable, or religious enough to practiſe ſuch ſelf-denial.

10. Is not every one of theſe propoſitions proved beyond diſpute, by all the hiſtories in this and the preceding volumes, by all the other hiſtories of the world, and by univerſal experience?

11. That, in reality, the word democracy ſignifies nothing more nor leſs than a nation or people without any government at all, and before any conſtitution is inſtituted.

12. That every attentive reader may perceive, that the notions of Monteſquieu, concerning a democracy, are imaginations of his own, derived from the contemplation of the reveries of Xenophon

phon and Plato, concerning equality of goods and community of wives and children, in their delirious ideas of a perfect commonwealth.

13. That ſuch reveries may well be called delirious, ſince, beſides all the other arguments againſt them, they would not extinguiſh the family ſpirit, or produce the equality propoſed; becauſe, in ſuch a ſtate of things, one man would have twenty wives, while another would have none, and one woman twenty lovers, while others would languiſh in obſcurity, ſolitude, and celibacy.

A third caution is, "that in all their elections "of any into the ſupreme court or council, they "be not led by any bent of faction, alliance, or "affection, and that none be taken in but purely "on the account of merit."—This is the rule of virtue, wiſdom, and juſtice; and if all the people were wiſe and juſt they would follow it: but how ſhall we make them ſo, when the law of God, in nature and in revelation, has not yet effected it? Harrington thinks, that adviſing men to be mannerly at the public table, will not prevent ſome from carving for themſelves the beſt parts, and more than their ſhares. Putting "men in au-"thority who have a clear reputation of tran-"ſcendent honeſty and wiſdom, tends, no doubt, "to ſilence gainſayers, and draw the conſent and "approbation of all the world;" but how ſhall we prevent ſome from getting in, who are tranſcendent only in craft, hypocriſy, knavery, or folly? The beſt way that can be conceived of, ſurely, is to ſeparate the executive power from the legiſlative, make it reſponſible to one part of the legiſlature, on the impeachment of another, for the uſe of its power of appointment to offices, and

to

to appoint two aſſemblies in the legiſlature, that the errors of one may be corrected by the other.

" To avoid falſe charges, accuſations, and ca-
" lumniations, againſt perſons in authority, which
" are the greateſt abuſes and blemiſhes of liberty,
" and have been the moſt frequent cauſes of tu-
" mult and diſſenſion ;" though, it is the ſecret
" of liberty, that all magiſtrates and public offi-
" cers be kept in an accountable ſtate, liable to
" render an account of their behaviour and ac-
" tions, and that the people have freedom to ac-
" cuſe whom they pleaſe."—Difficult as it is to reconcile theſe neceſſary rules in a free government, where an independent grand jury protects the reputation of the innocent, and where a ſenate judges of the accuſations of the commons, how can it be done in a ſimple democracy, where a powerful majority, in a torrent of popularity, influences the appointment of grand and petit juries, as well as the opinion of the judges, and where a triumphant party in the legiſlature is both accuſer and judge? Is there not danger that an accuſer belonging to the minor party will be puniſhed for calumniation, though his complaint is juſt ; and that an accuſed of the minor party will be found guilty, though innocent ; and an accuſed of the major party acquitted, though guilty ? It is ridiculous to hope that magiſtrates and public officers will be really reſponſible in ſuch a government, or that calumniations will be diſcountenanced except on one ſide of the houſe. The oſtraciſms and petaliſms of antiquity, however well intended againſt ſuſpected men, were ſoon perverted by party, and turned againſt the beſt men and the leaſt ſuſpicious ; and in the ſame manner it is obvious, that reſponſibility and calumniation in a ſimple democracy

cracy will be mere inſtruments in the hands of the majority, to be employed againſt the beſt men of an oppoſite party, and to ſcreen the worſt in their own. The Romans, by their caution to retain in full force and virtue that decree of the ſenate, called Turpitianum, whereby a ſevere fine was ſet on the heads of all calumniators and falſe accuſers, at the ſame time that they retained the freedom of keeping all perſons accountable, and accuſing whom they pleaſed, although they preſerved their ſtate a long time from uſurpation of men in power on one ſide, and from popular clamour and tumult on the other ſide, we muſt remember had a ſenate to check the people, as well as to be checked by them; and yet even this mixture did not prevent the Gracchi, Marius, Sylla, and Cæſar, from uſurping, nor the people from being tumultuous, as ſoon as they obtained even an equality with the ſenate: ſo that their example cannot convince us that either of theſe rules can be obſerved in a ſimple democracy; on the contrary, it is a proof that the more perfect the balance of power, the more exactly both theſe neceſſary rules may be obſerved.

A fifth caution is, "that as by all means they "ſhould beware of ingratitude and unhandſome "returns to ſuch as have done eminent ſervices "for the commonwealth, ſo it concerns them, for "the public peace and ſecurity, not to impoſe a "truſt in the hands of any perſon or perſons, "further than as they may take it back again at "pleaſure. The reaſon is, honores mutant mo-"res. Acceſſions and continuations of power "expoſe the mind to temptations; they are ſails "too big for any bulk of mortality to ſteer an "even courſe by." How is this conſiſtent with

what is ſaid under the head of the ſecond caution? "In the hands of ſuch as have appeared "moſt eminent and active in the eſtabliſhment "and love of liberty, the guardianſhip of liberty "may be ſafely placed, becauſe ſuch men have "made the public intereſt and their own all one, "and therefore will never betray nor deſert it, "in proſperity or adverſity." In ſhort, our author inculcates a confidence and diffidence at the ſame time that ſeem irreconcileable. Under this head he is diffident. "The kingdoms of the "world are baits that ſeldom fail: none but he "that was more than man could have refuſed "them. How many free ſtates, by truſting their "own ſervants too far, have been forced to re"ceive them as maſters! Immoderate power "lets in high thoughts. The ſpirit of ambition "is a ſpirit of giddineſs: it foxes men, makes "them drunk, mere ſots, non compos mentis, "hurried on without fear or wit. All tempta"tions and opportunities of ambition muſt be re"moved, or there will ariſe a neceſſity of tumult "and civil diſſenſion; the common conſequence "hath ever been a ruin of the public freedom." How is it poſſible for a man who thinks in this manner to propoſe his "Right Conſtitution," where the whole authority being in one repreſentative aſſemble, the utmoſt latitude, temptation, and opportunity, is given to private ambition? What has a rich and ambitious man to do, but ſtand candidate for an election in a town where he has many relations, much property, numerous dependants? There can be no difficulty in getting choſen. When once in, he has a vote in the diſpoſal of every office, the appointment of every judge, and the diſtribution of all the public money. May not he and others join together to vote

for

for ſuch as will vote for them? A man once in, has twice as much power to get in again at the next election, and every day adds acceſſions, accumulations, and continuations of power to him. "Cæſar, who firſt took arms upon the public "ſcore, and became the people's leader, letting "in ambitious thoughts, forſook his friends and "principles, and became another man, and turned "his arms upon the public liberty." And has not every nation, and city, and aſſembly, many Cæſars in it? When private men look to the people for public offices and commands, that is, when the people claim the executive power, they will at firſt be courted, then deceived, and then betrayed. Thus did Sylla ſerve the ſenate, and Marius the people; thus every ſimple government is ſerved: but where the executive appoints, and the legiſlative pay, it is otherwiſe; where one branch of a legiſlative can accuſe, and another condemn, where both branches of legiſlature can accuſe before the executive, private commanders muſt always have a care—they may be diſarmed in an inſtant. Piſiſtratus, Agathocles, Coſmos, Soderino, Savanarola, Caſtruccio, and Orange, all quoted by our author, are all examples in point to ſhew, that ſimple democracies and unbalanced mixtures can never take a truſt back again, when once committed to an ambitious commander. That this caution therefore may be obſerved, and truſt taken back at pleaſure when ill managed, or in danger of being ſo, no government is equal to the tripartite compoſition.

The ninth rule is, "that it be made an unpar-"donable crime to incur the guilt of treaſon "againſt the intereſt and majeſty of the people. "It was treaſon in Brutus's ſons to conſpire the

"reſtoration

" reſtoration of Tarquin." So their father judged it, but it was the intereſt and majeſty of the ſenate here that was held to be the intereſt and majeſty of the people. The treaſon of Melius and Manlius too was againſt the majeſty of the ſenate, and in favour of the majeſty of the people. The treaſon of the Decemviri too was againſt the ſenate, and ſo was that of Cæſar. In Venice too it is treaſon to think of conſpiring with the people againſt the ariſtocracy, as much as it was in Rome. It is treaſon to betray ſecrets both in Venice and in Rome; the guilty were hanged upon a gibbet, or burnt alive.

No doubt a ſimple democracy would make it treaſon to introduce an ariſtocracy or a monarchy; but how could they puniſh it, when the man who commits it has the army, the judges, the biſhops, and a majority of the aſſembly and people too at his devotion? How can ſecrecy in a ſimple democracy be kept, where the numbers are ſo great, and where conſtituents can call to account? or how can it be puniſhed, when betrayed, when ſo many will betray it; when a member of the majority betrays it, to ſerve the cauſe of the majority? " It " is treaſon in Venice for a ſenator to receive gifts " or penſions from a foreign prince or ſtate." But as, according to the heathen proverb, " the Gods " themſelves may be taken with gifts," how can you prevent them from being taken by the majority in a ſimple democracy? Thuanus, who ſays, " the king of France need not uſe much la- " bour to purchaſe an intereſt with any prince or " ſtate of Italy, unleſs it be the Venetian repub- " lic, where all foreign penſioners and compli- " ances are puniſhed with the utmoſt ſeverity, but " eſcape well enough in other places," might have added, that no difficulty would ever be found to purchaſe

purchaſe an intereſt in a ſimple democracy, or in any other ſimple uncontrouled aſſembly. In a ſimple democracy no great ſum would be required to purchaſe elections for proper inſtruments, or to purchaſe the ſuffrages of ſome already in their ſeats. A party pardons many crimes, as well as leſſer faults. "It is treaſon for any Venetian ſe-" nator to have any private conference with fo-" reign ambaſſadors and agents; and one article " of charge, which took off Barnevelt's head, was " that he held familiarity and converſe with the " Spaniſh ambaſſador in time of war." Although receiving bribes from foreign ambaſſadors ought to be puniſhed with the utmoſt ſeverity, and all uncommon familiarity with them avoided as ſuſpicious and diſhonourable, ſuch extremes as theſe of Venice and of Holland, in the caſe of Barnevelt, may as well be avoided. But in a ſimple democracy, it will be found next to impoſſible to prevent foreign powers from making a party, and purchaſing an intereſt: an ambaſſador will have a right to treat with all the members, as parts of the ſovereignty, and therefore may have acceſs to thoſe who are leaſt on their guard, and moſt eaſily corrupted. But in a mixed government, where the executive is by itſelf, the miniſters only can be purchaſed, who, being few, are more eaſily watched and puniſhed; beſides that it is the executive power only that is managed by miniſters; and this often cannot be completed but by the concurrence of the legiſlature. The difficulties of corrupting ſuch a government therefore are much greater, as both the legiſlative, executive, and judicial power, muſt be all infected, or there will be danger of detection and puniſhment.

LETTER

LETTER VII.

Groſvenor-Square, Dec. 26, 1787.

Dear Sir,

IT ſhould have been before obſerved, that the Weſtern empire fell in the fifth century, and the Eaſtern in the fifteenth.

Auguſtulus was compelled by Odoacer, king of the Heruli, in 475, to abdicate the Weſtern empire, and was the laſt Roman who poſſeſſed the Imperial dignity at Rome. The dominion of Italy fell, ſoon afterwards, into the hands of Theodoric the Goth. The Eaſtern empire laſted many centuries afterwards, till it was annihilated by Mahomet the Great, and Conſtantinople was taken in the year 1453. The *interval* between the fall of theſe two empires, making a period of about a thouſand years, is called THE MIDDLE AGE.* During this term republics without number aroſe in Italy; whirled upon their axles or ſingle centres; foamed, raged, and burſt, like ſo many water-ſpouts upon the ocean. They were all alike ill-conſtituted; all alike miſerable: and all ended in ſimilar diſgrace and deſpotiſm. It would be curious to purſue our ſubject through all of them whoſe records have ſurvived the ravages of Goths, Saracens, and bigotted Chriſtians; through thoſe other republics of Caſtile, Arragon, Catalonia, Gallicia, and all the others in Spain; through thoſe in Portugal; through the ſeveral provinces

* Barbeyrac's Preface to his Hiſtory of Ancient Treaties. Corps Dipl. tom. xxii. Harris's Philological Enquiries, part iii. chap. 1.

that

that now compoſe the kingdom of France; through thoſe in Germany, Sweden, Denmark, Holland, England, Scotland, Ireland, &c. But if ſuch a work ſhould be ſufficiently encouraged by the public (which is not probable, for mankind in general dare not as yet read or think upon CONSTITUTIONS) it is too extenſive for my forces, and ought not to be done in ſo much haſte. The preceding Letters have been produced upon the ſpur of a particular occaſion, which made it neceſſary to write and publiſh with precipitation, or it might have been uſeleſs to have publiſhed at all. The whole has been done in the midſt of other occupations, in ſo much hurry, that ſcarce a moment could be ſpared to correct the ſtyle, adjuſt the method, pare off excreſcences, or even obliterate repetitions; in all which reſpects it ſtands in need of an apology. *You* may purſue the inveſtigation to any length you pleaſe. All nations, from the beginning have been agitated by the ſame paſſions. The principles developed in theſe Letters will go a great way in explaining every phænomenon that occurs in the hiſtory of government. The vegetable and animal kingdoms, and thoſe heavenly bodies whoſe exiſtence and movements we are as yet only permitted faintly to perceive, do not appear to be governed by laws more uniform or certain than thoſe which regulate the moral and political world. Nations move by unalterable rules: and education, diſcipline and laws, make the greateſt difference in their accompliſhments, happineſs, and perfection. It is the maſter artiſt alone who finiſhes his building, his picture, or his clock. The preſent actors on the ſtage have been too little prepared by their early views, and too much occupied with turbulent ſcenes, to do more than they have done: impar-

tial

tial juſtice will confeſs, that it is aſtoniſhing they have been able to do ſo much. It is for you and your youthful companions, to make yourſelves maſters of what your predeceſſors have been able to comprehend and accompliſh but imperfectly. A proſpect into futurity in America, is like contemplating the heavens through the teleſcopes of Herſchell: objects, ſtupendous in their magnitudes and motions, ſtrike us from all quarters, and fill us with amazement! When we recollect, that the wiſdom or the folly, the virtue or the vice, the liberty or ſervitude, of thoſe millions now beheld by us, only as Columbus ſaw theſe times in viſion,* are certainly to be influenced, perhaps decided, by the manners, examples, principles, and political inſtitutions of the preſent generation, that mind muſt be hardened into ſtone that is not melted into reverence and awe. With ſuch affecting ſcenes before his eyes, is there, can there be, a young American indolent and incurious; ſurrendered up to diſſipation and frivolity; vain of imitating the looſeſt manners of countries, which can never be made much better or much worſe? A profligate American youth muſt be profligate indeed, and richly merits the ſcorn of all mankind.

The world has been too long abuſed with notions, that climate and ſoil decide the characters and political inſtitutions of nations. The laws of Solon, and the deſpotiſm of Mahomet, have at different times prevailed at Athens: conſuls, emperors, and pontiffs, have ruled at Rome. Can there be deſired a ſtronger proof, that policy and education are able to triumph over every diſadvantage of climate? Mankind have been ſtill

* Barlow's Viſion of Columbus.

more

more injured by inſinuations, that a certain celeſtial virtue, more than human, has been neceſſary to preſerve liberty. Happineſs, whether in deſpotiſm or democracy, whether in ſlavery or liberty, can never be found without virtue. The beſt republics will be virtuous, and have been ſo; but we may hazard a conjecture, that the virtues have been the effect of the well-ordered conſtitution, rather than the cauſe: and perhaps it would be impoſſible to prove, that a republic cannot exiſt, even among highwaymen, by ſetting one rogue to watch another; and the knaves themſelves may, in time, be made honeſt men by the ſtruggle.

It is now in our power to bring this work to a concluſion with unexpected dignity. In the courſe of the laſt ſummer, two authorities have appeared, greater than any that have been before quoted, in which the principles we have attempted to defend have been acknowledged. The firſt is an Ordinance of Congreſs, of the 13th of July 1787, for the Government of the Territory of the United States North-weſt of the River Ohio; the ſecond is, the Report of the Convention at Philadelphia, of the 17th of September 1787. The former confederation of the United States was formed upon the model and example of all the confederacies, ancient and modern, in which the fœderal council was only a diplomatic body: even the Lycian, which is thought to have been the beſt, was no more. The magnitude of territory, the population, the wealth and commerce, and eſpecially the rapid growth of the United States, have ſhewn ſuch a government to be inadequate to their wants; and the new ſyſtem, which ſeems admirably calculated to unite their intereſts and affections, and bring them to an uniformity of principles and ſentiments, is equally well combined to

unite their wills and forces as a ſingle nation. A reſult of accommodation cannot be ſuppoſed to reach the ideas of perfection of any one; but the conception of ſuch an idea, and the deliberate union of ſo great and various a people in ſuch a plan, is, without all partiality or prejudice, if not the greateſt exertion of human underſtanding, the greateſt ſingle effort of national deliberation that the world has ever ſeen. That it may be improved is not to be doubted, and proviſion is made for that purpoſe in the Report itſelf. A people who could conceive, and can adopt it, we need not fear will be able to amend it, when, by experience, its inconveniences and imperfections ſhall be ſeen and felt.

WE, the People of the United States, in order to form a more perfect Union, eſtabliſh Juſtice, inſure domeſtic Tranquillity, provide for the common Defence, promote the general Welfare, and ſecure the Bleſſings of Liberty to ourſelves and our Poſterity, do ordain and eſtabliſh this CONSTITUTION for the United States of America.

ARTICLE I.

Sect. 1. ALL legiſlative powers herein granted ſhall be veſted in a Congreſs of the United States, which ſhall conſiſt of a Senate and Houſe of Repreſentatives.

Sect. 2. The Houſe of Repreſentatives ſhall be compoſed of members choſen every ſecond year by the people of the ſeveral ſtates, and the electors in each ſtate ſhall have the qualifications requiſite for electors of the moſt numerous branch of the ſtate legiſlature.

No perſon ſhall be a repreſentative who ſhall not have attained to the age of twenty-five years, and been ſeven years a citizen of the United States, and who ſhall not, when elected, be an inhabitant of that ſtate in which he ſhall be choſen.

Repreſentatives and direct taxes ſhall be apportioned among the ſeveral ſtates which may be included within this Union, according to their reſpective

ſpective numbers, which ſhall be determined by adding to the whole number of free perſons, including thoſe bound to ſervice for a term of years, and excluding Indians not taxed, three-fifths of all other perſons. The actual enumeration ſhall be made within three years after the firſt meeting of the Congreſs of the United States, and within every ſubſequent term of ten years, in ſuch manner as they ſhall by law direct. The number of repreſentatives ſhall not exceed one for every thirty thouſand, but each ſtate ſhall have at leaſt one repreſentative; and until ſuch enumeration ſhall be made, the ſtate of New Hampſhire ſhall be entitled to chuſe three, Maſſachuſetts eight, Rhode-Iſland and Providence Plantations one, Connecticut five, New York ſix, New Jerſey four, Pennſylvania eight, Delaware one, Maryland ſix, Virginia ten, North-Carolina five, South-Carolina five, and Georgia three.

When vacancies happen in the repreſentation from any ſtate, the Executive authority thereof ſhall iſſue writs of election to fill ſuch vacancies.

The Houſe of Repreſentatives ſhall chuſe their Speaker and other officers; and ſhall have the ſole power of impeachment.

Sect. 3. The Senate of the United States ſhall be compoſed of two ſenators from each ſtate, choſen by the legiſlature thereof, for ſix years; and each ſenator ſhall have one vote.

Immediately after they ſhall be aſſembled in conſequence of the firſt election, they ſhall be divided as equally as may be into three claſſes. The ſeats of the ſenators of the firſt claſs ſhall be vacated at the expiration of the ſecond year, of the ſecond claſs at the expiration of the fourth year, and of the third claſs at the expiration of the ſixth year, ſo that one-third may be choſen every ſecond year; and

and if vacancies happen by reſignation, or otherwiſe, during the receſs of the legiſlature of any ſtate, the Executive thereof may make temporary appointments until the next meeting of the legiſlature, which ſhall then fill ſuch vacancies.

No perſon ſhall be a ſenator who ſhall not have attained to the age of thirty years, and been nine years a citizen of the United States, and who ſhall not, when elected, be an inhabitant of that ſtate for which he ſhall be choſen.

The Vice-Preſident of the United States ſhall be Preſident of the Senate, but ſhall have no vote, unleſs they be equally divided.

The ſenate ſhall chuſe their other officers, and alſo a Preſident *pro tempore*, in the abſence of the Vice-Preſident, or when he ſhall exerciſe the office of Preſident of the United States.

The Senate ſhall have the ſole power to try all impeachments. When ſitting for that purpoſe, they ſhall be on oath or affirmation. When the Preſident of the United States is tried, the Chief Juſtice ſhall preſide: And no perſon ſhall be convicted without the concurrence of two-thirds of the members preſent.

Judgment in caſes of impeachment ſhall not extent further than removal from office, and diſqualification to hold and enjoy any office of honour, truſt, or profit, under the United States; but the party convicted ſhall nevertheleſs be liable and ſubject to indictment, trial, judgment, and puniſhment, according to law.

Sect. 4. The times, places, and manner of holding elections for ſenators and repreſentatives, ſhall be preſcribed in each ſtate by the legiſlature thereof: but the Congreſs may at any time by law make or alter ſuch regulations, except as to the places of chooſing Senators.

The

The Congreſs ſhall aſſemble at leaſt once in every year, and ſuch meeting ſhall be on the firſt Monday in December, unleſs they ſhall by law appoint a different day.

Sec. 5. Each houſe ſhall be the judge of the elections, returns, and qualifications of its own members, and a majority of each ſhall conſtitute a quorum to do buſineſs; but a ſmaller number may adjourn from day to day, and may be authoriſed to compel the attendance of abſent members, in ſuch manner, and under ſuch penalties, as each houſe may provide.

Each houſe may determine the rules of its proceedings, puniſh its members for diſorderly behaviour, and, with the concurrence of two-thirds, expel a member.

Each houſe ſhall keep a journal of its proceedings, and from time to time publiſh the ſame, excepting ſuch parts as may in their judgment require ſecrecy; and the Yeas and Nays of the members of either houſe on any queſtion ſhall, at the deſire of one-fifth of thoſe preſent, be entered on the journal.

Neither houſe, during the ſeſſion of Congreſs, ſhall, without the conſent of the other, adjourn for more than three days, nor to any other place than that in which the two houſes ſhall be ſitting.

Sect. 6. The ſenators and repreſentatives ſhall receive a compenſation for their ſervices, to be aſcertained by law, and paid out of the treaſury of the United States. They ſhall in all caſes, except treaſon, felony, and breach of the peace, be privileged from arreſt during their attendance at the ſeſſion of their reſpective houſes, and in going to and returning from the ſame; and for any ſpeech or debate

debate in either houſe, they ſhall not be queſtioned in any other place.

No ſenator or repreſentative ſhall, during the time for which he was elected, be appointed to any civil office under the authority of the United States, which ſhall have been created, or the emoluments whereof ſhall have been encreaſed during ſuch time; and no perſon holding any office under the United States, ſhall be a member of either houſe during his continuance in office.

Sect. 7. All bills for raiſing revenue ſhall originate in the Houſe of Repreſentatives; but the Senate may propoſe or concur with amendments as on other bills.

Every bill which ſhall have paſſed the Houſe of Repreſentatives and the Senate, ſhall, before it becomes a law, be preſented to the Preſident of the United States; if he approve he ſhall ſign it, but if not he ſhall return it, with his objections, to that houſe in which it ſhall have originated, who ſhall enter the objections at large on their journal, and proceed to reconſider it. If, after ſuch re-conſideration, two-thirds of that houſe ſhall agree to paſs the bill, it ſhall be ſent, together with the objections, to the other houſe, by which it ſhall likewiſe be re-conſidered, and if approved by two thirds of that houſe, it ſhall become a law. But in all ſuch caſes the votes of both houſes ſhall be determined by Yeas and Nays, and the names of the perſons voting for and againſt the bill ſhall be entered on the journal of each houſe reſpectively. If any bill ſhall not be returned by the Preſident within ten days (Sundays excepted) after it ſhall have been preſented to him, the ſame ſhall be a law, in like manner as if he had ſigned it, unleſs the

the Congreſs by their adjournment prevent its return, in which caſe it ſhall not be a law.

Every order, reſolution, or vote, to which the concurrence of the Senate and houſe of repreſentatives may be neceſſary (except on a queſtion of adjournment) ſhall be preſented to the Preſident of the United States, and before the ſame ſhall take effect, ſhall be approved by him, or, being diſapproved by him, ſhall be repaſſed by two-thirds of the Senate and Houſe of Repreſentatives, according to the rules and limitations preſcribed in the caſe of a bill.

Sect. 8. The Congreſs ſhall have power

To lay and collect taxes, duties, impoſts, and exciſes, to pay the debts and provide for the common defence, and general welfare of the United States; but all duties, impoſts, and exciſes, ſhall be uniform throughout the United States:

To borrow money on the credit of the United States:

To regulate commerce with foreign nations, and among the ſeveral ſtates, and with the Indian tribes:

To eſtabliſh an uniform rule of naturalization, and uniform laws on the ſubject of bankruptcies, throughout the United States:

To coin money, regulate the value thereof, and of foreign coin, and fix the ſtandard of weights and meaſures:

To provide for the puniſhment of counterfeiting the ſecurities and current coin of the United States:

To eſtabliſh poſt-offices and poſt-roads:

To promote the progreſs of ſcience and uſeful arts, by ſecuring, for limited times, to authors and inventors, the excluſive right to their reſpective writings and diſcoveries:

To

To conſtitute tribunals inferior to the ſupreme court:

To define and puniſh piracies and felonies committed on the high ſeas, and offences againſt the law of nations:

To declare war, grant letters of marque and repriſal, and make rules concerning captures on land and water:

To raiſe and ſupport armies; but no appropriation of money to that uſe ſhall be for a longer term than two years:

To provide and maintain a navy:

To make rules for the government and regulation of the land and naval forces:

To provide for calling forth the militia to execute the laws of the union, ſuppreſs inſurrections, and repel invaſions:

To provide for organizing, arming, and diſciplining the militia, and for governing ſuch part of them as may be employed in the ſervice of the United States, reſerving to the States reſpectively, the appointment of the officers, and the authority of training the militia according to the diſcipline preſcribed by Congreſs.

To exerciſe excluſive legiſlation in all caſes whatſoever, over ſuch diſtrict (not exceeding ten miles ſquare) as may, by ceſſion of particular ſtates and the acceptance of Congreſs, become the ſeat of the government of the United States, and to exerciſe like authority over all places purchaſed by the conſent of the legiſlature of the ſtate in which the ſame ſhall be, for the erection of forts, magazines arſenals, dock-yards, and other needful buildings:——And

To make all laws which ſhall be neceſſary and proper for carrying into execution the foregoing powers, and all other powers veſted by this conſtitution

ſtitution in the government of the United States, or in any department or officer thereof.

Sect. 9. The migration or importation of ſuch perſons as any of the ſtates now exiſting ſhall think proper to admit, ſhall not be prohibited by the Congreſs prior to the year one thouſand eight hundred and eight, but a tax or duty may be impoſed on ſuch importation, not exceeding ten dollars for each perſon.

The privilege of the writ of *habeas corpus* ſhall not be ſuſpended, unleſs when in caſes of rebellion or invaſion the public ſafety may require it.

No bill of attainder or *ex poſt facto* law ſhall be paſſed.

No capitation, or other direct tax ſhall be laid, unleſs in proportion to the *cenſus* or enumeration herein before directed to be taken.

No tax or duty ſhall be laid on articles exported from any ſtate. No preference ſhall be given by any regulation of commerce or revenue to the ports of one ſtate over thoſe of another; nor ſhall veſſels bound to, or from one ſtate, be obliged to enter, clear, or pay duties in another.

No money ſhall be drawn from the treaſury, but in conſequence of appropriations made by law; and a regular ſtatement and account of the receipts and expenditures of all public money ſhall be publiſhed from time to time.

No title of nobility ſhall be granted by the United States: And no perſon holding any office of profit or truſt under them, ſhall, without the conſent of the Congreſs, accept of any preſent, emolument, office, or title, of any kind whatever from any king, prince, or foreign ſtate.

Sect. 10. No ſtate ſhall enter into any treaty, alliance, or confederation; grant letters of marque and repriſal; coin money; emit bills of credit; make any thing but gold and ſilver coin a tender in payment of debts; paſs any bill of attainder, *ex poſt facto* law, or law impairing the obligation of contracts, or grant any title of nobility.

No ſtate ſhall, without the conſent of the Congreſs, lay any impoſts or duties on imports or exports, except what may be abſolutely neceſſary for executing its inſpection laws; and the net produce of all duties and impoſts, laid by any ſtate on imports or exports, ſhall be for the uſe of the Treaſury of the United States; and all ſuch laws ſhall be ſubject to the reviſion and controul of the Congreſs. No ſtate ſhall, without the conſent of Congreſs, lay any duty of tonnage, keep troops or ſhips of war in time of peace, enter into any agreement or compact with another ſtate, or with a foreign power, or engage in war, unleſs actually invaded, or in ſuch imminent danger as will not admit of delay.

ARTICLE II.

Sect. 1. The executive power ſhall be veſted in a Preſident of the United tates of America. He ſhall hold his office during the term of four years, and, together with the vice-Preſident, choſen for the ſame term, be elected as follows:——

Each ſtate ſhall appoint, in ſuch manner as the legiſlature thereof may direct, a number of electors, equal to the whole number of ſenators and repreſentatives to which the ſtate may be entitled in the Congreſs: but no ſenator or repreſentative

or perſon holding an office of truſt or profit under the United States, ſhall be appointed an elector.

The electors ſhall meet in their reſpective ſtates and vote by ballot for two perſons, of whom one at leaſt ſhall not be an inhabitant of the ſame ſtate with themſelves. And they ſhall make a liſt of all the perſons voted for, and of the number of votes for each; which liſt they ſhall ſign and certify, and tranſmit ſealed to the ſeat of the government of the United States, directed to the Preſident of the Senate. The Preſident of the Senate ſhall, in the preſence of the Senate and Houſe of Repreſentatives, open all the certificates, and the votes ſhall then be counted. The perſon having the greateſt number of votes ſhall be the Preſident, if ſuch number be a majority of the whole number of electors appointed; and if there be more than one who have ſuch majority, and have an equal number of votes, then the Houſe of Repreſentatives ſhall immediately chuſe by ballot one of them for Preſident; and if no perſon have a majority, then from the five higheſt on the liſt the ſaid Houſe ſhall in like manner chuſe the Preſident. But in chuſing the Preſident, the votes ſhall be taken by ſtates, the repreſentation from each ſtate having one vote; a quorum for this purpoſe ſhall conſiſt of a member or members from two-thirds of the ſtates, and a majority of all the ſtates ſhall be neceſſary to a choice. In every caſe, after the choice of the Preſident, the perſon having the greateſt number of votes of the electors ſhall be the Vice-Preſident. But if there ſhould remain two or more who have equal votes, the Senate ſhall chuſe from them by ballot the Vice-Preſident.

The

The Congreſs may determine the time of chuſing the electors, and the day on which they ſhall give their votes; which day ſhall be the ſame throughout the United States.

No perſon, except a natural-born citizen, or a citizen of the United States at the time of the adoption of this conſtitution, ſhall be eligible to the office of Preſident; neither ſhall any perſon be eligible to that office who ſhall not have attained to the age of thirty-five years, and been fourteen years a reſident within the United States.

In caſe of the removal of the Preſident from office, or of his death, reſignation, or inability to diſcharge the powers and duties of the ſaid office, the ſame ſhall devolve on the Vice-Preſident, and the Congreſs may by law provide for the caſe of removal, death, reſignation, or inability, both of the Preſident and Vice Preſident, declaring what officer ſhall then act as Preſident, and ſuch officer ſhall act accordingly, until the diſability be removed, or a Preſident ſhall be elected.

The Preſident ſhall, at ſtated times, receive for his ſervices a compenſation, which ſhall neither be encreaſed nor diminiſhed during the period for which he ſhall have been elected, and he ſhall not receive within that period any other emolument from the United States, or any of them.

Before he enter on the execution of his office, he ſhall take the following oath or affirmation:—

"I do ſolemnly ſwear (or affirm) that I will "faithfully execute the office of Preſident of the "United States, and will, to the beſt of my abili-"ty, preſerve, protect, and defend the conſtitu-"tion of the United States."

Sect. 2. The Preſident ſhall be commander in chief of the army and navy of the United States, and

and of the militia of the ſeveral ſtates when called into the actual ſervice of the United States: he may require the opinion in writing of the principal officer in each of the executive departments, upon any ſubject relating to the duties of their reſpective offices, and he ſhall have power to grant reprieves and pardons for offences againſt the United States, except in caſes of impeachment.

He ſhall have power, by and with the advice and conſent of the Senate, to make treaties, provided two-thirds of the Senators preſent concur; and he ſhall nominate, and by and with the advice and conſent of the Senate, ſhall appoint ambaſſadors, other public miniſters and conſuls, judges of the ſupreme court, and all other officers of the United States, whoſe appointments are not herein otherwiſe provided for, and which ſhall be eſtabliſhed by law. But the Congreſs may by law veſt the appointment of ſuch inferior officers, as they think proper, in the Preſident alone, in the courts of law, or in the heads of departments.

The Preſident ſhall have power to fill up all vacancies that may happen during the receſs of the Senate, by granting commiſſions which ſhall expire at the end of their next ſeſſion.

Sect. 3. He ſhall from time to time give to the Congreſs information of the ſtate of the Union, and recommend to their conſideration ſuch meaſures as he ſhall judge neceſſary and expedient; he may, on extraordinary occaſions, convene both houſes, or either of them, and in caſe of diſagreement between them, with reſpect to the time of adjournment, he may adjourn them to ſuch time as he ſhall think proper: he ſhall receive ambaſſadors and other public miniſters; he ſhall take care that the laws be faithfully executed,

ed, and ſhall commiſſion all the officers of the United States.

Sect. 4. The Preſident, Vice-Preſident, and all civil officers of the United States, ſhall be removed from office on impeachment for, and conviction of treaſon, bribery, or other high crimes and miſdemeanors.

ARTICLE III.

Sect. 1. The judicial power of the United States ſhall be veſted in one ſupreme court, and in ſuch inferior courts as the Congreſs may from time to time ordain and eſtabliſh. The judges, both of the ſupreme and inferior court, ſhall hold their offices during good behaviour, and ſhall, at ſtated times, receive for their ſervices a compenſation, which ſhall not be diminiſhed during their continuance in office.

Sect. 2. The judicial power ſhall extend to all caſes, in law and equity, ariſing under this conſtitution, the laws of the United States, and treaties made, or which ſhall be made, under their authority; to all caſes affecting ambaſſadors, other public miniſters and conſuls; to all caſes of admiralty and maritime juriſdiction; to controverſies to which the United States ſhall be a party; to controverſies between two or more ſtates, between a ſtate and citizens of another ſtate, between citizens of different ſtates, between citizens of the ſame ſtate claiming lands under grants of different ſtates, and between a ſtate, or the citizens thereof, and foreign ſtates, citizens, or ſubjects.

In all caſes affecting ambaſſadors, other public miniſters and conſuls, and thoſe in which a ſtate ſhall

ſhall be party, the ſupreme court ſhall have original juriſdiction. In all the other caſes before mentioned, the ſupreme court ſhall have appellate juriſdiction, both as to law and fact, with ſuch exceptions, and under ſuch regulations, as the Congreſs ſhall make.

The trial of all crimes, except in caſes of impeachment, ſhall be by jury; and ſuch trial ſhall be held in the ſtate where the ſaid crimes ſhall have been committed; but when not committed within any ſtate, the trial ſhall be at ſuch place or places as the Congreſs may by law have directed.

Sect. 3. Treaſon againſt the United States ſhall conſiſt only in levying war againſt them, or in adhering to their enemies, giving them aid and comfort. No perſon ſhall be convicted of treaſon unleſs on the teſtimony of two witneſſes to the ſame overt act, or on confeſſion in open court.

The Congreſs ſhall have power to declare the puniſhment of treaſon, but no attainder of treaſon ſhall work corruption of blood, or forfeiture, except during the life of the perſon attainted.

ARTICLE IV.

Sect. 1. Full faith and credit ſhall be given in each ſtate to the public acts, records, and judicial proceedings of every other ſtate. And the Congreſs may by general laws preſcribe the manner in which ſuch acts, records, and proceedings ſhall be proved, and the effect thereof.

Sect. 2. The citizens of each ſtate ſhall be entitled to all privileges and immunities of citizens in the ſeveral ſtates.

A perſon

A perſon charged in any ſtate with treaſon, felony, or other crime, who ſhall, flee from juſtice, and be found in another ſtate, ſhall, on demand of the executive authority of the ſtate from which he fled, be delivered up, to be removed to the ſtate having juriſdiction of the crime.

No perſon held to ſervice or labour in one ſtate, under the laws thereof, eſcaping into another, ſhall, in conſequence of any law or regulation therein, be diſcharged from ſuch ſervice or labour, but ſhall be delivered up on claim of the party to whom ſuch ſervice or labour may be due.

Sect. 3. New ſtates may be admitted by the Congreſs into this union; but no new ſtate ſhall be formed or erected within the juriſdiction of any other ſtate; nor any ſtate be formed by the junction of two or more ſtates, or parts of ſtates, without the conſent of the legiſlatures of the ſtates concerned, as well as of the Congreſs.

The Congreſs ſhall have power to diſpoſe of and make all needful rules and regulations reſpecting the territory or other property belonging to the United States; and nothing in this conſtitution ſhall be ſo conſtrued as to prejudice any claims of the United States, or of any particular ſtate.

Sect. 4. The United States ſhall guarantee to every ſtate in this union a republican form of government, and ſhall protect each of them againſt invaſion; and, on application of the legiſlature, or of the executive (when the legiſlature cannot be convened), againſt domeſtic violence.

ARTICLE V.

The Congreſs, whenever two-thirds of both Houſes ſhall deem it neceſſary, ſhall propoſe amendments to this conſtitution, or, on the application of the legiſlatures of two-thirds of the ſeveral ſtates, ſhall call a convention for propoſing amendments, which, in either caſe, ſhall be valid to all intents and purpoſes, as part of this conſtitution, when ratified by the legiſlatures of three-fourths of the ſeveral ſtates, or by conventions in three-fourths thereof, as the one or the other mode of ratification may be propoſed by the Congreſs: Provided, that no amendment which may be made prior to the year one thouſand eight hundred and eight ſhall in any manner affect the firſt and fourth clauſes in the ninth ſection of the firſt article; and that no ſtate, without its conſent, ſhall be deprived of its equal ſuffrage in the Senate.

ARTICLE VI.

All debts contracted and engagements entered into before the adoption of this conſtitution, ſhall be as valid againſt the United States under this conſtitution, as under the confederation.

This conſtitution, and the laws of the United States which ſhall be made in purſuance thereof; and all treaties made, or which ſhall be made, under the authority of the United States, ſhall be the ſupreme law of the land; and the judges in every ſtate ſhall be bound thereby, any thing in the conſtitution or laws of any ſtate to the contrary notwithſtanding.

The ſenators and repreſentatives before mentioned, and the members of the ſeveral ſtate legiſlatures

latures, and all executive and judicial officers, both of the United States and of the ſeveral ſtates, ſhall be bound, by oath or affirmation, to ſupport this conſtitution; but no religious teſt ſhall ever be required as a qualification to any office or public truſt under the United States.

ARTICLE VII.

The ratification of the conventions of nine ſtates, ſhall be ſufficient for the eſtabliſhment of this conſtitution between the ſtates ſo ratifying the ſame.

DONE in Convention, by the unanimous conſent of the States preſent, the ſeventeenth day of September, in the year of our Lord one thouſand ſeven hundred and eighty-ſeven, and of the Independence of the United States of America the twelfth. In witneſs whereof we have hereunto ſubſcribed our Names.

GEORGE WASHINGTON, Preſident, and Deputy from *Virginia.*

New-Hampſhire,	John Langdon, Nicholas Gilman,
Maſſachuſetts.	Nathaniel Gorham, Rufus King.
Connecticut.	William Samuel Johnſon, Roger Sherman.
New-York.	Alexander Hamilton.
New-Jerſey.	William Livingſton, David Brearly, William Paterſon, Jonathan Dayton.

Pennſylvania

Pennſylvania.	Benjamin Franklin, Thomas Mifflin, Robert Morris, George Clymer, Thomas Fitzſimons, Jared Ingerſoll, James Wilſon, Gouverneur Morris.
Delaware.	George Read, Gunning Bedford, Junior, John Dickinſon, Richard Baſſet, Jacob Broom.
Maryland.	James M'Henry, Daniel of St. Tho. Jenifer, Daniel Carol.
Virginia.	John Blair, James Madiſon, Junior.
North-Carolina.	William Blount, Richard Dobbs Spaight, Hugh Williamſon.
South Carolina.	John Rutledge, Charles Cotesworth Pinckney, Charles Pinckney, Pierce Butler,
Georgia.	William Few. Abraham Baldwin.

Atteſt. WILLIAM JACKSON, *Secretary.*

IN CONVENTION,

MONDAY, *September* 17, 1787.

PRESENT,

The States of New-Hampſhire, Maſſachuſetts, Connecticut, Mr. *Hamilton* from New-York, New-Jerſey, Pennſylvania, Delaware, Maryland,

land, Virginia, North-Carolina, South-Carolina, and Georgia :

RESOLVED,

THAT the preceding Conſtitution be laid before the United States in Congreſs aſſembled, and that it is the opinion of this Convention, that it ſhould afterwards be ſubmitted to a Convention of Delegates, choſen in each ſtate by the people thereof, under the recommendation of its legiſlature, for their aſſent and ratification ; and that each Convention aſſenting to, and ratifying the ſame, ſhould give notice thereof to the United States in Congreſs aſſembled.

Reſolved, *That it is the opinion of this Convention that as ſoon as the Conventions of nine ſtates ſhall have ratified this conſtitution, the United States in Congreſs aſſembled ſhould fix a day on which electors ſhould be appointed by the ſtates which ſhall have ratified the ſame, and a day on which the electors ſhould aſſemble to vote for the Preſident, and the time and place for commencing proceedings under this conſtitution. That after ſuch publication the electors ſhould be appointed, and the ſenators and repreſentatives elected ; That the electors ſhould meet on the day fixed for the election of the Preſident, and ſhould tranſmit their votes, certified ſigned, ſealed, and directed, as the conſtitution requires, to the ſecretary of the United States, in Congreſs aſſembled, that the ſenators and repreſentatives ſhould convene at the time and place aſſigned ; that the ſenators ſhould appoint a preſident of the ſenate, for the ſole purpoſe of receiving, opening, and counting the votes for Preſident ; and that after he ſhall be choſen, the Congreſs, together with the preſident,*

ſident, ſhould, without delay, proceed to execute this conſtitution.

By the unanimous Order of the Convention,
GEORGE WASHINGTON, *Preſident.*
William Jackſon, Secretary.

In CONVENTION, *September* 17, 1787.

SIR,

WE have now the honour to ſubmit to the conſideration of the United States in Congreſs aſſembled that Conſtitution which has appeared to us the moſt adviſable.

The friends of our country have long ſeen and deſired, that the power of making war, peace, and treaties, that of levying money and regulating commerce, and the correſpondent executive and judicial authorities, ſhould be fully and effectually veſted in the general government of the Union: but the impropriety of delegating ſuch extenſive truſt to one body of men is evident—Hence reſults the neceſſity of a different organization.

It is obviouſly impracticable in the fœderal government of theſe States, to ſecure all rights of independent ſovereign to each, and yet provide for the intereſt and ſafety of all—Individuals entering into ſociety, muſt give up a ſhare of liberty to preſerve the reſt. The magnitude of the ſacrifice muſt depend as well on ſituation and circumſtance, as on the object to be obtained. It is at all times difficult to draw with preciſion the line between thoſe rights which muſt be ſurrendered, and thoſe which may be reſerved; and on the preſent occaſion this difficulty was encreaſed by a difference among the

States

ſeveral States as to their ſituation, extent, habits, and particular intereſts.

In all our deliberations on this ſubject we kept ſteadily in our view, that which appears to us the greateſt intereſt of every true American, the conſolidation of our Union, in which is involved our proſperity, felicity, ſafety, perhaps our national exiſtence. This important conſideration, ſeriouſly and deeply impreſſed on our mind, led each ſtate in the Convention to be leſs rigid on points of inferior magnitude, than might have been otherwiſe expected; and thus the Conſtitution, which we now preſent, is the reſult of a ſpirit of amity, and of that mutual deference and conceſſion which the peculiarity of our political ſituation rendered indiſpenſible.

That it will meet the full and entire approbation of every State is not perhaps to be expected; but each will doubtleſs conſider, that had her intereſts been alone conſulted, the conſequences might have been particularly diſagreeable or injurious to others that it is liable to as few exceptions as could reaſonably have been expected, we hope and believe; that it may promote the laſting welfare of that country ſo dear to us all, and ſecure her freedom and happineſs, is our moſt ardent wiſh.

With great reſpect,
We have the honour to be
SIR,
Your Excellency's moſt
Obedient and humble ſervants,
GEORGE WASHINGTON, *Preſident.*

By unanimous Order of the Convention,
HIS EXCELLENCY
The Preſident of Congreſs.

UNITED STATES IN CONGRESS ASSEMBLED.

Friday, September 28, 1787.

PRESENT, New-Hampſhire, Maſſachuſetts, Connecticut, New-York, New-Jerſey, Pennſylvania, Delaware, Virginia, North-Carolina, South Carolina, and Georgia, and from Maryland, Mr. *Roſs*.

CONGRESS having received the report of the the Convention lately aſſembled in Philadelphia,

Reſolved unanimouſly, That the ſaid report, with the Reſolutions and Letter accompanying the ſame, be tranſmitted to the ſeveral Legiſlatures in order to be ſubmitted to a Convention of Delegates choſen in each ſtate by the people thereof, in conformity to the Reſolves of the Convention made and provided in that Caſe.

CHA. THOMSON, *Sec'ry*.

INDEX.

INDEX.

A.

ACHAIA, the government of, I. 295. The firſt republic of Greece which admitted foreigners, I. 295. Praiſed by Polybius, I. 296. Termination of the league, I. 354.

Accuſation, liberty of, prevents the people from proceeding to internal violence through deſpair, II. 451.

Addiſon, Mr. his account of the republic of St. Marino, I. 9.

Adrian, Pope, conſers with cardinal de Medici at Leghorn and Florence, II. 182. Dies, 183.

Æmilius, Paulus, conqueror of Illyricum, returns to Rome in triumph; accuſed of extortion; narrowly eſcapes condemnation; killed at the battle of Canna, III. 320. His ſon, by his virtue, carries the ædileſhip againſt ten competitors; procures his ſons to be adopted into the moſt illuſtrious houſes in Rome; his daughters nobly matched, III. 320. Always oppoſed when he ſtood for any office; becauſe of the ſeverity of his virtue, rejected by the people, and retires to his eſtates, III. 321. Recalled, and conquers Perſius, III. 322. The public ingratitude towards him; dies in poverty, III. 323.

Agathocles, maſſacres during his uſurpation, I. vii.

Age, Middle, what period of time ſo called, III. 502.

Albericus, aſſaſſinated by the Romans, II. 259.

Alberti, family of, ſufferers in the commotions at Florence, II. 77, 78.

Albizi and *Ricci*, diviſions between the families of, at Florence, II. 52.

Alexander the VIIth, Pope, drowned, II. 149.

— *Duke*, made ſovereign of Florence, by the pope and the emperor, II. 218.

Alexander, Duke, murdered by Lorenzo and Scoronconcolo, II. 228.
Alviano, Bartolomeo d', invades Florence to aſſiſt the Medici, and put to flight, II. 150.
Alum Mine diſcovered at Volterra, II. 122.
Amato, Pontio, podeſta of Milan, killed in battle, III. 135.
Ambition, the end of, becomes a means, I. 132.
America, neceſſity of three orders in the government, I. viii.
— an abſolute monarchy to be dreaded, I. viii.
— great men of, I. xvi.
— wiſdom of, in eſtabliſhing their government, I. xvii.
— writers concerning, unqualified for the taſk, I. xviii.
— Turgot's objections to a democratic government, I. 3. His objections anſwered, I. 5.
— wiſdom of, in forming a government nearly after the Engliſh, I. 70.
— not liable to cenſure for eſtabliſhing governors, I. 91.
— acted wiſely in adopting ſenates, I. 92.
— not erroneous in appointing houſes of repreſentatives, I. 93.
— propriety of their attempting to produce an equilibrium, I. 93.
— excellency of the conſtitution of, I. 96.
— government of ſavages, I. 225.
— Congreſs, I. 362.
— an excellent warning for, II. 445.
— liable to divide into factions, unleſs reſtrained by a proper government, III. 124.
— an alluſion to their titles and diſtinctions, III. 207.
— the life of liberty ſecured by the preſent eſtabliſhment. III. 282.
— not likely to be tyrannized over by corrupt diviſion into an eccleſiaſtical and civil ſtate, III. 404.
— aſtoniſhing progreſs of, to an eſtabliſhed conſtitution, III. 504.
— conſtitution of the United States, III. 507.
— Waſhington's letter on the conſtitution, III. 526.
Amphictyons in Greece, account of that council, I. 312.
Andria, Count d', his bad government of Florence, II. 33.
Antalcidas, his opinion of government, I. 286.
Arziani of Florence, II. 12.
Appenzel, account of the canton of, I 23.
Appius Claudius, the tyranny of, cauſed by the unlimited power given by the people, III. 278.
— his continuance in office by the people the cauſe of his tyranny, III, 308.
Apuleius choſen tribune, in oppoſition to the ſenate, III. 279. Conſtitutes new laws to increaſe his power, III. 280.
Arenga, or great council of St. Marino, I. 11.

Argos, the government of, I. 311.
Ariſtocracy defined, I. 148.
— the ſimple form of, according to Plato, Ariſtotle, Polybius, and others, III. 170.
— the form of government oppoſed to ariſtocracy, III. 170.
— an unanſwerable objection againſt it, III. 256.
— deſcribed, III. 286.
— like the Roman ſenate, of itſelf a faction, III. 286. Yet leſs ſo than an aſſembly choſen by the people, III. 286.
Ariſtocracies unable to prevent oligarchies, but by tyrannical regulations, III. 286.
Ariſtotle on government by laws only, I. 125.
— on changes in governments, I. 309.
— the impropriety of his idea of a government, III. 163.
Army, power of, I. 163.
— diſadvantages from a general appointed by a ſingle aſſembly, I, 372.
Arragon, a deſcription of its government, III. 391.
Arts, flouriſhing ſtate of, under the government of the Medici, II. 128.
Athens, a mixed monarchy, I. 98.
— government of, eſtabliſhed by Solon, I. 98.
— how governed by Solon, I. 145.
— the government of, I. 260. Firſt ſettled by Cecrops, I. 260.
— obſervations on the government of, III. 396.
— more remarkable for irregularity than ſobriety, proved in various inſtances of its governors, III. 344.
— the Thirty Tyrants, not their continuance, but the illimitation of their power, the cauſe of their corruption, III. 345.
— conſtitution deſtroyed by its own patriots, III. 429.
— *Duke of*, ſent by the King of Calabria as his lieutenant at Florence, II. 37. Intreated to take the government, II. 41. Made governor for life, II. 42. His tyranny, II. 42. Depoſed, II. 43.

B.

Bacon, Lord, on government, I. 159.
Baldaccio, General, the moſt eminent in Italy for courage and military ſkill, II. 109.
— murdered by Orlandini, the ſtandard-bearer, aſſiſted by other aſſaſſins, II. 110.
Baldinotti, Bandinotto, puniſhed with death, for endeavouring to aſſaſſinate Lorenzo, de Medici, III. 65.
Balance of Power neceſſary to government, I. 159.
— true meaning of, I. 100.
— neceſſity of the preſervation of, I. 371.

Bandinelli, Count Bandinello de, enlarges the commerce of Siena, II. 261.
Beatrice, wife of Philip Maria, duke of Milan, beheaded by her husband, because she was grown old, III. 156.
Bello Giano Della, a patriot of Florence, his history, II. 21.
Benedetto, engaged by the magistracy of Florence, causes the downfall of Scali, II. 74. Sent into banishment, for disapproving of the measures of the new government, where he dies; his bones brought to Florence, and honourably buried, II. 77.
Bernabo, Lord of Cremona, and his two sons, poisoned by John Galeazzo, III. 151.
Bernardo degli Nardi, kindles an insurrection in Florence; soon suppressed, II. 122.
Berne, account of the canton of, I. 35.
Berengarius, Duke of Friuli, made king of Italy, II. 259.
Bienne, account of the city of, I. 50.
Biscay, account of the democratic government of, I. 16.
Bolingbroke, Lord, on the greater abilities of some men than others, I. 139.
Bologna, bishops of, first stiled princes, II. 401.
— the history of the city of, II. 388.
— institutes a republic, II. 388. Founded by Felsinus, king of Tuscany, II. 390.
— a trait of the government, and its forms and customs in 1123, II. 391. Forms in the election of a pretor, II. 395. Entertains Henry vi. emperor of Germany, II. 401.
— Gerardo the bishop made pretor, II. 401. Oppresses the nobles; gives rise to seditions, II. 402.
— the Guelph and Ghibelline parties cause great ravages, II. 495.
— university of, contained 10,000 scholars for the study of the law in the year 1218, II. 405.
— the government placed in the hands of the people, II. 407.
— a violent sedition, headed by Giuseppi Toschi, II. 407.
— obtains a victory over the Modenese, and King Hentio taken prisoner, II. 410.
— a decree called the Paradise of Pleasure, by which all the slaves and villains were made free, II. 411.
— quarrels among the nobles cause a great slaughter among the different parties, II. 413.
— a new magistracy of three, II. 416.
— generosity of the gentlemen of, in assisting the poor in the time of a famine, II. 420.
— three new magistrates elected, called the Magistrates of Peace, II. 421.

Bologna, new officers elected, which aggravate the evil, II. 422.
— the Gieremei and Lambertacci families, being inveterate at each other, cauſe great troubles and bloodſhed in the city, II. 423.
— a tumult which continued forty days, II. 427.
— the Lambertacci and 15,000 citizens baniſhed, II. 427.
— a triumphal chariot and an army, ſent to attack the Ghibellines and exiled Lambertacci, defeated, II. 428.
— defeated in a ſecond engagement, II. 429.
— ſurrendered to the pope in 1278, the Gieremei and Lambertacci reconciled, II. 430.
— the Lambertacci attempt to murder the Geremei, for which they are driven out of the city, II. 431.
— the prudence of the new government ineffectual, II. 433.
— the Sapienti employed to form a plan for a new council, II. 440.
Bonacolſi, Bardellone, made governor of Montoua, III. 199.
Boniface, a moſt beautiful young Bologneſe, his tragic death; Imilda his lover drew the poiſon from his wounds with her lips, and falls dead in his arms, II. 423.
Boudoir deſcribed, I. 210.
Brunozzi, Franciſco, and ſeveral of his family, murdered, and their houſes deſtroyed, by Niccolo Braccioli, for which he was condemned to pay 2,500 ducats, III. 115.
Brutus choſen conſul with Collatinus, III. 315. Inexorable towards his two ſons, III. 317. Aſſembles the people to expel the Tarquins, III. 318. Obliges Collatinus to abdicate the Conſulſhip, and retire to his eſtate, III. 318.
Buonhomini of Florence, II. 17.
Borgia, Cæſar, attempts to reſtore the Medica, but diverted from the enterprize by a bribe, II. 149.

C.

Cæſar, Julius, the manner he obtained the ſovereign authority over Rome, III. 271.
Calumniation, all ſimple ſtates addicted to, III. 447.
— worſt in a ſimple democracy, III. 447.
— puniſhable in itſelf, as an offence againſt the public, III. 448.
Calvus, P. Licinius, his oration to the Romans for having his ſon elected military tribune, III. 236.
Camillus, his patriotiſm, III. 236.
Capponi, Nicolao, correſpondence with Clement vii. ſtirs up ſedition among the Florentines, II. 104.
— choſen gonfalonier of Florence, II. 195.
— his character, 197.

Capponi, Nicolo, his curious expedient to obtain his election, II. 201.
— dropt a letter in the council-chamber, which caused him to be deprived of his office, II. 207.
— tried, and honourably acquitted, II. 208.
— dies at Garfagnana, II. 212.
Carducci, Francisco, chosen gonfalonier of Florence, II. 208.
Carolina, Lock's system for the government of, condemned, I. 365.
Carrara, Giacomo Grande da, made the first lord of Padoua, III. 192.
Carthage, on the government of, I. 98.
— declined through the too great power of the people, I. 101.
— government of, I. 211.
— senate to be unanimous, I. 213.
— committee of a hundred and four, I. 213.
— sub-committee of five, I. 213.
— its government, III. 355.
Cassimer the Great, retrenched the authority of the nobles in Poland, I. 75.
Cassius, his ambitious views, and death, I. 343.
Cassius, Spurius, a sketch of his history, III. 258.
Castruccio, attempts to gain the supreme power at Florence, II. 35.
— his death, II. 38.
Cavalcabo, Charles, seizes Cremona, III. 153.
— and *Andreaso* his brother, murdered by Cabrino Fondulo, III. 154.
Cavalcabo, Giacopo, a noble citizen of Cremona, created podesta of Milan, III. 139.
— abandons Cremona, the Emperor Henry vii. having sent Matthew Visconte with a powerful army against it, III. 142.
— elected again to the dominion of Cremona, III. 145.
— flies from Cremona upon Ponzone taking possession of the city III. 147.
Cavalcabo, Ugolino, seizes the dominion of Cremona, III. 153.
— taken prisoner, III. 153.
— murdered by Cabrino Fondulo, whom he had made captain, III. 154.
Cavalieri, Niccolas de, a brave nobleman of Montepulciano, III. 203.
Cavalieri, Jacob de, torn to pieces by the plebeians of Montepulciano, III. 206.
Chariots, Triumphal, used in the Italian cities, II. 262.
Charles, Duke of Calabria, his government of Florence, II. 38.

Charondas, his regulations for the government of Sybaris, I. 329.
Cherchi, quarrel between the families of Cherchi and Donati, II. 22.
Cicero, his opinion of governments, I. xix.
Cincinnatus, the reaſon of his retiring into the country from his dictatorſhip, III. 226.
— a patrician, ſells his eſtate to pay the forfeiture of his ſon's bail; choſen dictator by the ſenate; quits his authority and retires to a private life, III. 314.
Cino, Guido, pretor of Bologna, depoſed from his Office, II. 404.
Cino, the lawyer of Piſtoia, dies, III. 54.
Civil War, cauſes and effects of, on the Roman ſtates, III. 482.
Clement VII. Pope, of the houſe of Medici, elected, II. 184.
— beſieged in the caſtle of St. Angelo by the Imperialiſts, II. 187.
— ſhut up in the caſtle by the French, II. 191.
— projects againſt Florence, II. 202.
— motive in the interview with the king of France at Marſeilles, II. 220.
— dies, II. 221.
Colleſi, Bartolemeo, a brave Piſtoian, aſſaſſinated, III. 81.
Columbus, Chriſtopher, a native of Coguretto, II. 135.
Commonwealth, Machiavel's plan of a perfect one, II. 241.
— The Right Conſtitution of a, examined, III. 209.
Congreſs conſidered, I. 362.
Conſuls began to be re-eſtabliſhed in the Italian cities, III. 3.
Contentment, no appetite or affection for, III. 341.
Controverſies, an independent tribunal neceſſary to judge of, III 480.
Corcyra, dreadful ſtate of, during the ſtay of Eurymedon there, I. iv.
— the people of, maſſacred by the grandees as often as theſe were maſſacred by the people, III. 330.
Corinth, the government of, I. 308.
Coriolanus, his ſtory, I. 341.
Corregio, Giberto, made lord of the city of Cremona, III. 145.
Corruption, began with the people of Rome ſooner than with the ſenate, III. 347.
Courage and bravery acquired by habit, II. 387.
Coxe, Mr. his travels into Poland praiſed, I. 74.
Cremona, an account of the government of that republic in A. D. 1180, III. 125.
— the republic divided into two parties, called the new and old

old cities; conſuls and podeſta choſen alternately, III. 127.
Cremona, the factions become inveterate enemies, III. 128.
— aſſiſts the marquis of Eſte at Ferrara, III. 128.
— infeſted with diſcords and civil wars; the Milaneſe and Breſcians deform the whole country; Guelph and Ghibelline factions very deſtructive to the city, III. 129.
— Boſſio Dovara, and Azzolino Dovara, ſucceſſively made lords of the new city, III. 132.
— Uberto Pallavicino made abſolute lord of the commonwealth, III. 132.
— Pallavicino depoſed, and Boſſio Dovara ſucceeded, but ſoon after driven out of the city, III. 134.
— makes peace with Ottone Viſconte, while the two armies fronted each other prepared for battle, III. 136.
— greatly diſtreſſed by factions and civil diſcord, III. 140.
— Henry VII. enters the city, throws down the walls, and commits great ravages, III. 142.
— William Cavalcabo takes poſſeſſion of the city after a conflict with the Ghibellines, III. 143.
— Corregio made lord of the city for five years, III. 145.
— Giacopo Cavalcabo elected to the dominion of the city, III. 145.
— Ponzino Ponzone lays ſeige to the city, but repulſed, III. 145.
— Ponzone proclaimed lord of Cremona by the Ghibellines and Maltraverſi factions, III. 147.
— the lordſhip given to Azzo Viſconte, III. 148.
— the lordſhip ſucceeded by Luchino Viſconte, and John Viſconte, archbiſhop of Milan, III. 149.
— the lordſhip voluntarily given to John Galeazzo conte di Virtu, III. 151.
— John Ponzone and Ugolino Cavalcabo drive the Ghibellines out of the city, III. 152.
— Ugolino Cavalcabo ſeizes the dominion of the city: afterwards taken priſoner, and ſucceeded by Charles Cavalcabo, III. 153.
— the dominion falls into the hands of Fondulo, who murdered the Cavalcabo, III. 155.
— Fondulo ſurrenders the city to Philip Maria duke of Milan, III. 156.
Crete, laws of, ſuppoſed to have been dictated to Minos by Jupiter, I. xiv.
— the government of, I. 305.
Criminal Laws not ſafely to be truſted to a ſingle aſſembly, I. 375.
Cromwell, his power examined, III. 301.

Crotona, the government of, I. 322.
Crown, leſs in its power to conceal than in a majority, III. 416.
Cruelty, a general characteriſtic of the ſtates of Greece, I. 302.
Cuypſelus, the tyrant of Corinth, I. 309.

D.

Danina, on the revolutions of Italy, II. 2.
Dante, the poet, born, II. 417.
Dante, Appolonio di, precipated himſelf from a tower; by his cloak taking the wind, he deſcended with little hurt, III. 108.
Debtors, ſtate of at Rome, I. 223.
Debts, abolition of, and a diviſion of goods a ſign of a depraved ſtate, III. 328.
Decemviri eſtabliſhed at Rome, III. 266.
Demagogue, a popular, dangerous to oppoſe, without riſk of obloquy and rapine, III. 327.
Democracy, a ſpecies of bad government, according to Plato, Ariſtotle, and others, III. 171.
— ſimple, not a free or juſt government, III. 355.
— ſimple, a government that never exiſted, being deſtructive and impracticable, III. 358.
— more inconſtant in principles than monarchies or ſenates, III. 453.
— defined, I. 148.
— deſcribed by Plato, I. 194.
Dentatus, M. Curius, obſervations on his character, III. 228. and 230.
Diodorus Siculus, his account of the maſſacres of Greece, I. vi.
Dionyſius Halicarnaſſus on government, I. 215.
Diſputes, a fixed rule to ſettle, variouſly proved in various inſtances, III. 480.
Diſſenſions, ſomething more efficacious than morality, philoſophy, or Chriſtian precept, muſt be employed to prevent, III. 479.
Doges of Venice, ill conduct and tyranny of many of them, I. 58.
Donato, Corſo, acquitted for murder at Florence, the cauſe of an inſurrection, II. 21.
— quarrel between the families of Donati and Cherchi, II. 22.
— his death, II. 32.
— baniſhed to Barletta, II. 80.
Dovara, Boſſio, and Azzolino his brother, made lords of the new city of Cremona ſucceſſively, III. 132.
Duke, the title of, its origin in Italy, II. 256.

E.

Eaſtern Empire fell in the fifteenth century, III. 502.
Education and diſcipline loſe their force, when unſupported by law, III. 348.
— more indiſpenſible and general under a free government than any other, III. 476.
— muſt be ſupported by private munificence, III. 476.
Electioneering, an example of, in Florence, II. 196.
Elections, the beſt ſchools of political art and addreſs, III. 274.
— the various illegal methods at, deſcribed, III. 274. *et ſeq.*
— by the people in different ſtates, deſcribed, III. 441.
Elea, the ſcene of athletic games, I. 315. The government of, I. 316.
England, of the government of, I. 70.
— excellency of the government of, I. 95.
— Monteſquieu's account of the government of, I. 153.
Eurymedon, dreadful ſtate of Corcyra during his ſtay there, I. iv.
Example of Parents, its influence on children, I. 114.
Ezzelino commits enormous cruelties in Padoua, III. 180.

F.

Fabius's ſpeech for declining honours in his old age, III. 233.
Faction, citizens of Greece, Rome, and Tuſcany, actuated more by factions than the love of their country, II. 386.
— deſtroyed by a ſucceſſion of ſovereign authority by popular elections, denied, III. 273.
— in Rome, their riſe and their conſequence, III. 277.
— in a majority, proved from various circumſtances, III. 287.
— in Rome, not cauſed by the continuation of power in the ſenate, but by the power's being unlimited, III. 278.
— and diviſions, their ill conſequences, III. 131.
— the fatal effects of, deſcribed, III. 432.
— a triple balance of equal powers an effectual remedy againſt, III. 433.
Faſtions, laws againſt, in Piſtoia, III. 53. 65.
Fear, neceſſity of, in every kind of government, III. 487.
Felſinus, King of Tuſcany, founder of the city of Bologna, II. 390.
Ferguſon's account of the proceedings of the Roman people to increaſe their own power, and decreaſe that of the ſenate, I. 335.
Florence, the government of, II. 6. Diſtinction of the inhabitants,

bitants, II. 8. Factions, II. 9. Foundation of, II. 10. Progreſs and government, II. 11. Diviſions and parties, II. 11.

Florence, magiſtrates granted to each trade, II. 16. Buonhomini choſen, II. 17. Priori choſen, II. 19. Called Signiori, II. 19. Inſurrection on account of the acquittal of Corſo Donati for murder, II. 21. Quarrels between the families of Cherchi Donati, II. 22. Under Count di Andria, II. 34. Under Lando, II. 35. Attempts of Caſtruccio to obtain the chief government, II. 35. Under Charles, duke of Calabria, II. 38.

— duke of Athens choſen governor for life, II. 42. Depoſed, II. 43. Savage barbarity, II. 44. Rebellion of Andrea Strozzi, II. 47. Government compared with that of Rome, II. 50. Diviſion between the families of Albizi and Ricci, II. 52. Speeches on the critical and dangerous ſituation of II. 54. 64. 67. Popular and plebian factions, II. 72.

— a new inſurrection there in conſequence of Scali's death, which cauſes the eſtabliſhment of a new government, II. 75. The exiles recalled; offices in 1378 aboliſhed; and the Guelphs diſpoſſeſſed of their ſuperiority, II. 56.

— the new government oppreſſive; baniſhes the heads of the plebians, II. 76.

— the city of, in an uproar; intreat Veri de Medici to take the government into his hands; he declines it, II. 79.

— in a proſperous ſituation, attributed to the abilities of Naſo, II. 81.

— goes to war with Philip Viſconti, II. 86.

— peace made with Philip Viſconti, II. 91.

— new wars; the city divided into little meetings and cabals; Uzzano and his party oppoſe it, II. 92. Unſucceſsful clamours againſt the conductors of it, II. 93.

— concludes a peace with the Lucchese; the towns taken are reſtored, II. 94.

— commonwealth undergoes many alterations by the return of Coſimo, II. 107.

— the adminiſtration of, tyrannical and inſupportable, II. 112.

— Effeminacy and luxury infects the citizens of, II. 122.

— ſeized upon by Charles v.: Alexander de Medici, made Sovereign and Duke of Florence, murdered ſeven years after, II. 127.

— government of; Soderini's opinion on, II. 137. Remarks on it, II. 138.

— divided in parties for the reſtoration of the government, II. 145. Peter de Medici attempts to be replaced, but

but disappointed of assistance, gives up the enterprize, II. 45.
Florence invaded by the Spanish army, attended with Giuliano de Medici, and the legate of Tuscany, II. 153.
— government undergoes a reformation, II. 156.
— government falls into the hands of fifty citizens, II. 158.
— government of, altered by cabal of about twenty citizens, II. 159.
— government of, lodged in Giuliano de Medici, II. 166.
— government of, reformed by the intervention of Pope Leox. II. 169.
— government of, settled by Cardinal de Medici, on the death of the Duke Lorenzo, II. 176.
— government of, different opinion upon its reformation, II. 179.
— government of, models for its reformation wrote by Zanobi, Buondelmonti, and Nicholas Machiavel, II. 180.
— society of the literati form a conspiracy, in order to assassinate the Cardinal de Medici, II. 181. The conspirators discovered and punished, II. 182.
— government committed to Hippolito, under the guardianship of the cardinal di Cortona, II. 184.
— enters into a league with the Venetians, France, and the Pope, against the Emperor, II. 186.
— attempts to enlarge the government, II. 188.
— in great disorder by means of a false report, II. 190.
— government of, upon the resignation of Cardinal di Cortona, sustains a revolution, II. 193.
— assists Malatesta with 3,000 men, to withstand the Pope and the emperor, II. 211.
— the Prince of Orange lays siege to the city, II. 214.
— after a long siege, enters into a convention with Don Fernando da Gonzaga, II. 216.
— government of, receives an alteration in favour of the Medici, after the convention with Gonzaga, II. 217.
— government of, reformed by the pope, and Alexander made duke and head of the state, 218.
— government of, terminates with Cosimo being made duke and sovereign, II. 236.
— government of, a review of it, and its improprieties pointed out, II. 236.
— when most free, most enslaved, III. 413.
Fondula, Cabrino, make himself master of Cremona, after cruelly murdering Ugolino, Charles and Andreaso Cavalcabo, III. 154.
— surrenders Cremona to Philip Maria, Duke of Milan, III. 156.

Fondula, Cabrino, condemned to death by the Duke of Milan, and beheaded, III. 157.
Fontanes, Abbé de, his account of the government of Poland, I. 74.
Fortune, of more influence than birth, I. 116.
France has retained a league with several of the cantons of Switzerland for more than a century, I. 44.
— observations on the government of, III. 395.
— proved an aristocracy, by M. Boulanvilliers, III. 426.
Franklin, Dr. his opinion of governments, I. 105.
Fribourg, account of the canton of, I. 39.
Funerals, the Pistoians regulated the expence and uniform of them, II. 50.

G.

Galeazzo, Duke of Milan, assassinated, II. 123.
— *John*, made a knight when two years old, by the Emperor Charles the ivth, III. 150.
Gall, St. account of the republic of, I. 51.
Geneva, account of the republic of, I. 52.
Genoa, account of the republic of, I. 56.
Gerardo, Bishop of Bologna, received the title of prince, which was retained afterwards by the bishops of that city, II. 401. Made prefor of the city, II. 401. Oppresses the nobles, II. 402.
— and Giacomo Orsi, drove out of the city of Bologna by Griffoni and the nobles, II. 403.
— defeated, and his castle destroyed, II. 404.
Germans, government of the ancient, I. 226.
Ghibellines, and Guelphs, account of, II. 11.
— obliged the Guelphs to quit Florence, II. 15. Driven out again by the Guelphs, II. 16.
— occasion troubles in Italy, II. 266.
Glaris, account of the canton of, I. 28.
Gonfalonier of Justice, the authority of that office in Pistoia, III. 12.
Gonzaghi, Luigi, the author and founder of the lordship and marquisate of Mantoua, III. 200.
Governments, improvements in, I. i. Checks and balances necessary, I. iv. Superiority of free governments to all other, I. ix. Duration of various systems, I. xxiv. Of St. Marino, I. 9. Of Biscay, I. 16. The Grisons, I. 21. Switzerland, I. 22.
— not to be supported without a king, I. 91. A senate, or little council, necessary, I. 92. A larger assembly generally established, I. 92. Balance of power aimed at in

in all republics, I. 93. Power of people, except in England, preſerved only on inacceſſible mountains, I. 93. Ariſtocracy ariſes from arts, ſciences, and commerce flouriſhing, I. 94.

Government, Dr. Swift's opinion of ancient, I. 97. Dr. Franklin's opinion of, I. 105. Appoſite alluſions to different forms of, I, 106. Dr. Price's opinion of governments, I. 122. Laws made by a majority *may* oppreſs a minority, I. 123. Nation cannot be free, except governed by fixed laws, I. 124. Difference between a government of laws and of men, I. 126.

— not to be truſted in a ſingle aſſembly, I. 133. Myſtery of, in dividing and chooſing, I. 235. Various ſorts of, I. 142. Principles of, I. 158, Riches, I. 159. Balance of power, I. 159. Tillage, I. 160. Army, I. 163. Landed property, I. 165. Nobility, I. 166. Vices of, I. 170. Roman, I. 171.

— changes in, generally the contrary to what they were before, I. 309.

— three branches of power exiſt in every ſociety, I. 362.

— diſadvantages from appointments being made by a ſingle aſſembly. I. 372. Dangers to be apprehended from committees, I. 376. Danger from electing a governor or preſident, I. 376. Progreſs from a ſingle aſſembly to ariſtocracy or oligarchy, I. 380.

— none ſimply democratical, II. 1.

— remarks upon the impolitic conduct of governors and princes, in permitting violences, II. 76.

— new regulation of, at Florence, to diminiſh the authority of the plebeians, II. 78.

— the efficiency of a chief magiſtrate to mediate between ariſtocratical and democratic governments, II. 87.

— the evils of, are cauſed by an unbalanced conſtitution, rather than deſtiny or the perverſeneſs of men, II. 103.

— in one centre, the ill effects of it in Florence, II. 198.

— the want of a proper diviſion of authority the alternatives of treachery and cruelty in Florence, III. 331. Proved in the hiſtory of Coſimo, III. 331.

— in one centre, its impropriety, III. 57.

— the beſt appointments of miniſters in mixed, III. 311.

— in the hands of thoſe in a middle rank, moſt productive of happineſs, III. 166.

— the theory of, greatly improved by the Engliſh nation, III. 209.

— Engliſh, the three periods in which it has been moſt ſtudied, III. 210.

— an indiſpenſible rule to be obſerved in peruſing writers on, III. 211.

Government, a popular, less friendly to faction, than the standing authority in absolute monarchy, or an hereditary aristocracy, III. 273.
— under every form, has self-interest existing in it, III. 283.
— the best form of a sovereignty chosen by the people, III. 284. Its salutary consequences, III. 284.
— no constitution can be defended without a negative executive power, III. 294.
— people an essential branch of the legislature, as being most sensible of their own burthens, III. 295.
— persons elected from among the people, a hazardous experiment, tried by the Americans with doubtful success, III. 296.
— the assertion, "that a people qualified with a due and orderly succession of their supreme assemblies, are the best keepers of their own liberties," disproved, III. 309.
— those who labour for the public should live by the public, III. 319.
— knowledge apt to make people uneasy under oppressive governments, III. 326.
— people, in assemblies, co-equal with other assemblies, allowed to be the best preservers of their liberties, III. 326. That they are so in one assembly, denied, III. 326.
— the rich have as much right to their liberty and property as the poor, III. 328. Essential to liberty that their property should be secure, III. 328.
— senators, whether elective or hereditary, tender and concerned for the security of liberty, III. 333.
— governors most exposed to the snares of luxury in a democracy, III. 339.
— successive representatives use power for the express purpose of corruption, III. 342.
— people, their rights more secure when their power is tempered by a separate executive, and an aristocratical senate, III. 348.
— where the people have no share in it, neither a free state or a right constitution of a commonwealth, III. 361.
— unnecessary, according to Socrates, Plato, Cicero, Seneca, Hutchinson, and Butler, III. 363.
— and just power, the original of, in the people, III. 365.
— reasons of state often justify tyranny, III. 417.
— the propriety of administering justice by different hands, proved, III. 419.
— the executive power represents the majesty of the people, III. 419.
— art of, consists in combining the powers of society, so as not to prevail over the laws, III. 410.
— all projects formed upon a supposition of continual vigilance and virtue, cheats and delusions, III. 412.

Government, a free ſtate ſhould know what freedom is, III. 416.
— the people repreſented by every power and body of the ſtates, III. 420.
— executive power in the Grecian ſtates, deſcribed, III. 421.
— the error of reducing tranſactions, and the intereſts of the public, into the power of particular perſons, proved, III. 427.
— Pompey, Cæſar, and Craſſus, determined all the affairs of the world, without the advice of ſenate or people, III. 430.
— votes of multitudes too often determined by prejudice and ſuperſtition, III. 435.
— the majeſty of the people a very ſublime idea, III. 437.
— the objection, "that the management of ſtate affairs requires more judgment than can be expected from new members," anſwered, III. 438.
— reſiſtance to the ſovereignty, wherever placed, rebellion againſt God, III. 438.
— a mixed one moſt proper to do juſtice to all men, III. 447.
— true policy to place the executive power in one man, III. 460. No man to exalt himſelf above the law, III. 461.
Grandees, laws concerning them in Piſtoia, III. 51.
Greece, maſſacres in the moſt poliſhed times of, I. vi.
— myſteries of, imported from the Eaſt, I. xv.
Griffoni, *Specialino*, his harangue to the nobles of Bologna againſt Gerardo the biſhop, II. 402.
Griſons, account of the democratic republic, I. 21.
Gracchus, *Tiberius*, propoſes a revival of the law of Licinus, I. 359.
Guelphs and Ghibellines, account of, II. 11.
— obliged by the Ghibellines to quit Florence, II. 15. Return to Florence, II. 16.
— and Ghibellines ſtir up great diſſenſions and troubles in Italy, II. 266.
— party divided into two factions, called the Bianchi and the Neri, II. 317.
Guicchiardini, *Luigi*, ſpeech on the diſtracted ſtate of Florence, II. 64.

H.

Hanging, example of it being hereditary in a family, I. 115.
Harrington on government by laws only, I. 126.
— on popular governments, I. 134.
— on government, I. 159, 165.
Henry III. his conteſts with the barons, III. 431.
— *VI.* of Germany, magnificently entertained by the Bolognese, II. 401.

Henry VII. emperor of Germany, comes into Italy to be crowned, III. 140.
— his cruelty to the Cremonians, III. 142.
Heraldry, little attended to in America, I. 113.
Hertſberg, Baron de, his opinion of the advantages of monarchy, I. 324.
Hippolito the magnificent, with cardinals Cortona, and Cibo, leave Florence, II. 192.
— *Cardinal*, dies on a journey to meet the emperor, II. 222.
Holland, account of the republic of the United Provinces of the Low countries, I. 69.
— its government, III. 355.
Homer, account of the government of Phæacia, I. 232.
— of the government of Ithaca, I. 237, 242.
Honeſty of republican governments in diſcharging their debts, II. 358.
Honour, point of, I. 252.
Hoſtilius characterized, I. 219.
Hume, his opinions of the writings of Rapin, Locke, Sidney, Hoadley, &c. I. 325.
— his idea of a perfect commonwealth condemned, I. 369.
Hypocriſy, practiſed as much in elections as at courts, III. 436.

I.

Jeruſalem taken by the Saracens, II. 260.
Jews, not enabled to obſerve the rules of a free ſtate, III. 407.
Improvements, a folly to ſay that no new ones can be diſcovered, III. 434.
Inconſtancy, a characteriſtic of a debauched people, III. 452.
— proved in the examples of Athens, Rome, and Florence, III. 452.
Independence, aimed at by the cities of Italy, under Otto ii. III. 2.
Inequality, ſources of, common to every people, I. 116.
Informers, in the Engliſh and American governments, from private motives, odious, III. 448.
— from public motives, reſpected, III. 448.
Ingratitude, the crime of, not peculiar to the people, III. 454.
— of princes, proved in various inſtances, III. 455.
— the balance of, in king, lords, and commons, III. 456.
John of Bologna, a famous preacher, reconciles many families of Bologna who had been conſtant enemies, II. 409.
Iphitus, his government of Ellia, I. 315.
Italian language, its origin, II. 257.
Italy, republics of, in the middle age, II. 1.
Ithaca, government of, I. 237, 242.

Junius, his opinion that laws are intended to guard against what men *may* do, I. 132.
Juſtice, to be equally enjoyed by the rich and poor, III. 299.

K.

Kingly government, origin of, I. 178.
Kings, divine right of, inveſtigated, I. xiv.
Kings of Rome, their power, I. 217.
King, the propriety or impropriety of expelling in Rome, ſtated, III. 288.
Kings, and all ſtanding powers inclinable to make laws for their own intereſts, III. 362.
Knighthood, origin of, II. 262.

L.

Lacedæmon, laws of, ſuppoſed to have been communicated by Apollo to Lycurgus, I. xv.
— the government of, I. 249.
— remarks on the revolutions of the government of, III. 400.
— obſervations on its government, III. 359.
Lambertacci, *Aberto*, kills Gabriel Sancio, which raiſes a tumult, in Bologna, II. 408.
— family, and 15,000 Bologneſe baniſhed from Bologna, II. 427.
Landed property, power of in government, I. 165.
Lando Michael di, his government of Florence, II. 34.
— raiſed by the mob to the chief magiſtracy of Florence, II. 70.
— his integrity and diſintereſtedneſs, II. 71.
Laws of all nations ſuppoſed to have been made or ſuggeſted by their deities, I. xv.
— made by a majority *may* oppreſs a minority, I. 123.
— diſtinction between a government of laws and of men, I 126.
— made to guard againſt what men *may* do, I. 132.
— alone to be truſted with unlimited confidence, III. 281.
— emanations of the divine mind, III. 282.
— owe their perpetual ſeniority to vigilance and conſtancy, III. 453.
Legiſlation, the confuſion and uncertainty of the terms uſed in that ſcience, III. 157.
Leo X. Pope, pompous coronation, II. 167.
— enters Florence, and confers with the king of France and Lorenzo, II. 172.
— dies, II. 177.

Leo,

Leo X. the laſt by legitimate ſucceſſion of the houſe of Medici, II. 178.
Levellers in Greece and Rome deſcribed, III. 401.
— progreſs of at Rome, III. 402.
— inapplicable to the Engliſh or American conſtitution, III. 403.
Lewis XI. embroiled in a war with his barons, II. 115.
Lewis XVI. admitted the people to a ſhare of the government, III. 426.
Liberty, love of, inſtanced in the mountain of St. Marino being well peopled, whilſt the campania of Rome is almoſt deſtitute of inhabitants, I. 12.
— Dr. Price's explanation of that term, I. 122.
— Monteſquieu's definition of, I. 124.
— Sidney's definition of, I. 127.
— cannot exiſt without laws, I. 128.
— the life of, ſecured by the preſent eſtabliſhment in America, III. 282.
— beſt kept by the people, III. 293.
— the rich and poor independent, to enjoy equal liberty and juſtice, III. 299.
— never enjoyed by the Roman people, III. 325.
— the main intereſt of the people, under certain reſtrictions, III. 327.
— impracticable in a ſimple democracy, III. 483.
Livy, on government by laws only, I. 125.
— on the revolutions in Italy, II. 4.
Locke's ſyſtem of government conſidered, I. 365.
Locris, the government of, I. 331.
Lolme de, his account of the conſtitution of England, praiſed, I. 70.
— on the happieſt diſpoſitions not proof againſt power, I. 132.
Love of our country, defined, III. 490.
Lucca, account of the republic of, I. 56.
Lucerne, account of the canton of, I. 45.
Lucius Quintius, his magnanimity applauded in refuſing a precedent prejudicial to the Roman conſtitution, III. 308.
Lucius Tarquinius, aſſaſſinated by the patricians, III. 302.
Lucius Tarquinius Collatiſius a patrician and ſenator, huſband of Lucretia, appointed in an aſſembly of the centurii conſul with Brutus; by means of his wife's death, occaſions the expulſion of kings, and the inſtitution of conſuls, III. 315. Advocates the reſtoration of Tarquin's eſtate; endeavours to ſave his nephews who were engaged in a conſpiracy; averſe to the expulſion of the Tarquin family, III. 317. Obliged to abdicate the conſulſhip, he retires to his eſtate with an immenſe fortune, III. 318.

Ladiſlaus goes to war with Florence, II. 81.
Luxury, laws againſt in Piſtoia, III. 53, 65.
— people leſs luxurious than kings and grandees, denied, III. 334.
— the balance in a triple-headed legiſlature, the only remedy againſt it, III. 337.
— to certain degrees of exceſs an evil, though not an abſolute evil in all circumſtances, III. 338. To be reſtrained by morality and law, and a mixed government, III. 338.
— a natural tendency to tyranny, doubted, III. 337.
— various methods for the ſuppreſſion of, III. 339.
— the diſpoſition to, the ſame in plebians, patricians, and kings, III. 340.
— kings and nobles reſtrained from luxury, by fear of the people, and their cenſures, III. 342.
— people leſs devoted to luxury than kingly powers, diſproved in various inſtances, III. 343.
— reſtrained by different methods in various ſtates, III. 348.
Lycurgus on government, I. 170.
— on the vices of government, I. 181.
— the diſintereſted integrity of, I. 250.
— his regulations in the government of Lacedæmon, I. 253.

M.

Mably, *Abbé de*, on his deſign of writing an hiſtory of the American revolution, I. 383.
— difficulties attending ſuch an attempt, I. 384.
Machiavel, founders of ſtates to preſume all men to be bad, I. 131.
— on man never being good but through neceſſity, I. 133.
— on the firſt decade of Livy, I. 141.
— borrowed his politic from Plato and Ariſtotle, I. 325.
— his partiality for popular government, II. 9.
— plan of a perfect commonwealth, II. 241.
Magiſtrates, cautions neceſſary in the election of, III. 484.
Magna Charta, broken 30 times, I. 126.
Majority, the power of, over the minority—ill conſequences of, III. 291.
Malavolti, *Gieremia* killed by a fall from his horſe, II. 405.
Maltravers, *Bernard*, biſhop of Padoua made governor or prince of that city, III. 175.
Man, nature of, in ſociety, I. 129.
— paſſions increaſe by gratification, I. 129.
— all to be ſuppoſed bad in founding a ſtate, I. 131.
— apt to abuſe power, I. 131.
— deteſtable pictures of, by modern philoſophers, I. 133.

Manlius, *M.* his conduct in endeavouring to be made ſovereign of the Romans, III. 244.
— his oration to the Romans, to animate them to attempt a reformation, in which are all the principles of the Engliſh conſtitution, III. 250.
— a better man and citizen than Camillus, III. 252.
— abandoned by his friends, and condemned by the ſenate; falſe aſſertions of hiſtorians relative to him, III. 254.
— falls a ſacrifice to the ariſtocratical government of Rome, III. 255.
— the beſt patriot that occurs in Roman hiſtory, III. 307.
— compared with Camillus, III. 307.
Mantoua, aſſumed independence in A. D. 1111, but obliged to ſubmit again to Matilda their princeſs, III. 195.
— the government of, in one centre, III. 196.
— a new form of government eſtabliſhed, III. 197.
— the Mantuans reaſoning upon their government, III. 200.
Marino, *Saint*, account of the government of, I. 9. Their Arengo, or great council, I. 11. Council of ſixty, I. 11.
Marius, and Sylla, the proſcriptions by them, cauſed by the enthuſiaſm of the people, III. 279.
— his hypocriſy to ruin Metellus, III. 280.
— and Apuleius, prevail with the people to continue them in their office, in oppoſition to the ſenate, III. 280.
Martin IV. elected pope, II. 308.
Maſſachuſetts, inequalities amongſt the inhabitants, I. 109.
— the probable progreſs of a ſingle aſſembly, I. 118.
Maſſacre, in the moſt poliſhed times of Greece, I. vi.
Medici family firſt diſtinguiſhed themſelves at Florence, II. 29.
— party grow the moſt powerful in Florence, and diſcountenanced at the court of Rome, II. 123.
— family of, reſtored by Ferdinand king of Spain, and expelled again, II. 127.
— family reſtored to Florence, II. 156.
— family of, ſet up by the people, III. 467.
Medici, *Coſimo di*, friends are choſen ſignors; his enemy Rinaldo and his party loſe their intereſt, II. 103.
Medici, *Coſimo de*, character, II. 94. Uzzano's reply to Barbadori concerning him, 96. Summoned before the Signori; committed priſoner to Frederigo; and baniſhed to Padua, 101. Honourably received by the Venetians, 102.
— recalled with the citizens who were baniſhed with him, II. 105. Death of, II. 112. Character, II. 113.
— view of his government, II. 130.
— elected head of the commonwealth of Florence, II. 235.
— inveſted with the ſovereignty, and made duke of Florence, II. 236.

Medici, Giovanni di, executed, II. 41.
— admitted to a ſhare in the government of Florence, II. 85.
— attempts to ſupplant Uzzano, II. 86.
— keeps in the intereſt of the plebeians, II. 89.
— falls ſick; his advice to his two ſons, Coſimo and Lorenzo, II. 91.
— he died immenſely rich, full of glory and reputtation, II. 92.
Medici, Cardinal de, elected pope, Leo X. II. 167.
— elected pope, aſſumed the name of Clement the VIIth, II. 184.
— killed in a ſkirmiſh, II. 187.
Medici, Giuliano di, attempts to be reſtored to Florence, II. 152.
— gives up all pretenſions to the government of Florence, II. 169.
— dies at Badia de Fieſole, II. 173.
Medici, Lorenzo di, death and character, II. 126.
— made captain general of Florence, II. 171.
— made duke of Urbino, II. 174.
— duke makes a journey to France; inclined to reduce Florence to a principality, II. 175.
— dies at Florence, II. 176.
Medici, Lorenzo di Pierfranco di, his infamous character, II. 222.
Medici, Peter di, (ſon of Coſimo) falſely adviſed by his father's friend, Neroni, II. 117.
— the whole city of Florence in an uproar againſt him, II. 118.
— his death, II. 121.
Medici, Peter di, (great grandſon to the firſt Coſimo) ejected by the Florentines, and retired to Venice, II. 127.
— makes attempts upon Florence; the ſcheme fails, II. 147.
— drowned, II. 149.
Medici, Sylveſtro di, appointed gonfalonier, II. 61. Diſturbances during and after his adminiſtration, II. 62.
Melius, Spurius, his attempt to make himſelf king of the Romans, III. 240.
Merit has fair play only in a mixed government, III. 351.
Metellus, ruined through the hypocriſy of Marius, III. 280.
Michael di Lando, baniſhed by the new government of Florence, II. 76.
Milan, the firſt duke of, Conte di Virtu, III. 152.
Militia, power and uſe of, I. 163.
— in the people's hands moſt firm to the intereſt of liberty, argued, III. 471.
— and ſovereignty inſeparable, III. 474.
Milton, his ready and eaſy way to a commonwealth, condemned, I. 366.
— did not properly underſtand the ſcience of government, III. 371.

Miniſters reſponſible for every exerciſe of the executive power, III. 290. Puniſhable by independent judges, III. 290.
Monarchs, the number of in Europe, III. 372.
Monarchical government, arguments in favor of it, III. 172.
Monarchy defined, I. 148.
— Baron de Hertſberg's opinion of the advantages of, I. 324.
— the ſimple form of, according to Plato, Ariſtotle, Polybius, and others, III. 169.
— and ariſtocracy, the ſuſpenſion of, in England; the conſequence, III. 301. Equally deſtructive in America, III. 302.
— eſtabliſhed by the commons, and not by the gentry, III. 459.
Monteſquieu, his definition of liberty, I. 124.
— on the aptneſs of men to abuſe power, I. 131.
— on the government of England, I. 153.
— borrowed from Machiavel, I. 325.
Montepuleiano, the city of, a ſketch of its hiſtory, III. 202.
Mulhouſe, account of the city of, I. 50.
Murmer, a conduit ſo called in the republic of Cremona, as the citizens murmured greatly at the expence of it, III. 127.

N.

Nardi, his account of the government of Florence, II. 7.
Nations, their happineſs muſt depend upon the form of their government, I. 322.
Navy, diſadvantages from appointments to be made by a ſingle aſſembly, I. 374.
Nedham, Marchmont, his fundamental principles of a government examined, III. 213.
— idea that perſons in the higher ranks of life are exempted from the dangers of the commonwealth, diſproved, III. 298.
— aſſertion "that the ſenate and people felt the burthens of the fury of the kings of Rome," diſproved, III. 306.
— did not properly underſtand the decline of government, III. 371.
Negligence, danger to a commonwealth from, III. 486.
Neufchatal, its government, II. 446.
— deſcription of the city, II. 447.
— a trait of that conſtitution, II. 448.
Nobility, the odium of that name in the republics of Tuſcany, II. 270.
— Roman, improperly called founders of liberty, III. 287.
— exiſted in all commonwealths, III. 376. Better if it could be avoided, III. 377.

Nonius, a tribune, murdered, III. 279.
Numa characterized, I. 219.

O.

Oligarchy described by Plato, I. 192.
Olympian Games restored, I. 316.
Oppression, the accusation of, the only means to extinguish jealousies, III. 451. Proved from examples, 451.
Orange, Prince of, killed in besieging Florence, II. 215.
Otho the First, of Germany, expels the Saracens from Tuscany, II. 260.

P.

Padoua, a sketch of the history of that city, commencing A. D. 452, III. 174.
— the emperor Henry iv. grants the liberty of being governed by their own laws, III. 175.
— the independent government, after continuing eighty years in tranquillity, began to be infected with factions and civil war, III. 176.
— the plan of the government instituted in 1194, consisting of a mixed monarchy and a republic, III. 177.
— a podesta elected; his office, III. 179.
— the manner of electing the podesta, III. 180. The podesta's officers, III. 181. The duty of the podesta, III. 183.
— the proceres, or noblemen, in the territory of the city, enobled with the titles of Marquisses, Counts, and Castellans, III. 185.
— the Ghibelline and Guelph parties, under the names of the Empire and the Church, the greatest evil attending the republic, III. 187.
— the whole government of the city devolves into the hands of the tribunes, III. 189.
— the tribuneship abolished, and the authority transferred to the patricians, III. 189.
— a retrospect view of its government, III. 190.
Pallavicino, Marquis Uberto, podesta of Cremona, III. 130.
— makes himself absolute lord of Cremona, III. 132. Made podesta of Placentia, III. 132.
— grew odious to the Cremonians, and deposed by them, III. 134. Dies miserably in his castle of Silsalgio, III. 135.
Panciatica, a memorable general, III. 48.

Panciatichi and Cancellieri factions the ruins of themſelves and Piſtoia, III. 57.
Paradiſe of Pleaſure, the record by which all the ſlaves and villains of Bologna were made free, II. 411.
Parents, duty of children to, univerſal, I. 111. Influence of their example on their children, I. 114.
Paſſions of men increaſe by gratification, I. 130.
— ſelfiſh, moſt predominant in the human breaſt, III. 283.
Patriots, Roman, a compariſon of, III. 302.
— moſt of them patricians, III. 314.
Patriotiſm, a word of uncertain ſignification, III. 487.
Pazzaglia, Captain Guidotto, aſſiſts the Cancellieri faction of Piſtoia, III. iii. Taken priſoner by duke Coſimo, and made his confidential friend, III. 114.
Pazzi concerts a conſpiracy againſt the Medicis; murders Giuliano, III. 124.
People, the beſt keepers of their own liberties, III. 293.
— the fountain and origin of all juſt power and government, III. 365.
— the fountain of power, III. 412.
— the inſtruction of, ſhould be the care of the public, III. 414. The beſt way of preventing the exiſtence of the poor, III. 414.
— tumultuous when ſenſible of oppreſſion, III. 443.
— "are factious by nature," anſwered, III. 452.
Peru, Manco Capac, ſuppoſed to have been the child of the ſun, I. xv.
Peter the Second unqualified for the government of Florence, II. 135. His flight to Bologna, and conditions made with the ſtate, II. 136.
Phæacia, Homer's account of the government of, I. 232.
Pilgrimage and penitence, very prevalent in Tuſcany, Romagna, and Lombardy, in order to reſtore peace to the cities, III. 133.
Pinamonte aſſumes the title of Captain General of Mantoua, and expelled the noble families of the city. III. 198.
Piſiſtratus, the tyrant of Athens, I. 275.
— and his ſons, their power continued by the people, III. 346.
Piſtoia, hiſtory of the government of, III. 1.
— the office of conſul eſtabliſhed in the city, III. 4.
— the office of podeſta eſtabliſhed, III. 5.
— the office of podeſta limited, III. 6.
— conſuls no longer appointed; the office of captain of the people eſtabliſhed, III. 8.
— the twelve anziani created, with the power of the conſuls, III. 10. The priors authority, III. 10.
— Gonfalonier of juſtice inſtituted, III. 12.

Piſtoia becomes ſubject to the Florentines, and the government framed upon the ſame principle as Florence, III. 18.
— the office of gonfalonier confined to the nobles, III. 20.
— form of government called the Supreme Magiſtracy, deſcribed, III. 24.
— delivered to Clement VII.; a magiſtrate with the title of Commiſſary General ſubſtituted inſtead of podeſta, or Captain, III. 32.
— motto engraved on the gates of, III. 33.
— the office of Commiſſary-General annulled by Francis II. Grand duke of Tuſcany, and an officer with the title of Governor appointed, III. 33.
— the faction of the Guelphs and Ghibellines, III. 34. The citizens divided into two parties; each one elected its podeſta and conſuls, and have ſeparate governments, III. 34.
— the two parties conclude peace, III. 34. The old parties revive the troubles till all are exhauſted, then negociate a new peace, III. 35.
— Guelphs gain a memorable victory, III. 37.
— a tumult occaſioned by Mone Sinibaldi ſtriking Gio Vergioleſi on the face with a ſword, III. 38.
— in 1296, reduced almoſt to its final ruin: fortify their houſes; revolutions, aſſaſſinations, &c. daily happen, III. 38.
— troubles continue, and the records fall a prey to the flames, III. 39.
— earthquakes for eight days, III. 40.
— Bianchi and Neri factions, III. 41.
— taken by Florence, in concert with Lucca, III. 43.
— put under the protection of Robert, King of Naples, III. 44.
— Abbé Tedici ſeizes the palace, and made Lord of the city, III. 46.
— Philip, nephew to the Abbé Tedici, ſeizes the government from his uncle, and made Lord, III. 47. His artful knavery, III. 47.
— delivered by Philip into the hands of Caſtruccio, III. 48.
— ſumptuary laws againſt the extravagance and luxury of the citizens, III. 53. 65.
— governed three years by the duke of Athens, III. 54.
— attacked by the Florentines, under the command of Richard Cancellieri, who was driven out of Piſtoia, III. 59.
— makes peace with Florence, and the other Guelph cities of Tuſcany, III. 60.

Piſtoia, the emperor Charles IV. allows the citizens to be governed by their own laws and cuſtoms, III. 61.
— the people of every denomination go in proceſſion, clothed in white ſacks, mutually aſking each others pardon, III. 63.
— the ladies take arms, and fight with as much bravery as the men, III. 65.
— diſturbance and murder, occaſioned by the Panciatichi and the Cancellieri, III. 56.
— divided into two parties, the Cancellieri, and the Panciatichi, III. 69.
— a moſt bloody battle fought between the two parties, III. 72.
— the Cancellieri party obtains a bloody victory; the other party reaſſemble, III. 73.
— eight citizens elected, to whom was given the authority of the general council, III. 75.
— the Panciatichi renew hoſtilities, III. 75.
— the Panciatichi entreated to leave the city, III. 79.
— the Panciatichi erect fortifications, and prepare to attack the city, III. 80. Defeated, and Bartolemeo Colleſi aſſaſſinated, III. 81.
— the Panciatichi become formidable, and a truce is concluded, but of ſhort duration, III. 82.
— alms given, and prayers offered to heaven, to ſend peace, III. 83.
— the Cancellieri, in attempting to force the adverſe party out of the adjoining country, are worſted in ſeveral engagements, III. 84.
— the Cancellieri pawn and ſell all the relics and valuables, III. 88.
— the Cancellieri again defeated, owing to the women, who ſhewed more courage than the men, III. 89.
— the citizens become the fable and ſcorn of the world, III. 93.
— peace concluded between the Cancellieri and the Panciatichi, III. 93.
— the Panciatichi again driven out of the city, III. 96.
— Guida, an impartial man, elected Doge, with ſupreme authority, and three counſellors appointed to aſſiſt him, III. 97.
— one hundred of the Panciatichi, who flew to the church of Lizzano for refuge, were burnt and ſuffocated, III. 100.
— Lewis, king of France, excited the Florentines to interpoſe, III. 102.
— the citizens reſtored to the government and revenues of the city, III. 103.

Piſtoia, another furious contention between the two parties, III. 104.
— the Cancellieri and Panciatichi cauſe another civil war, III. 105.
— the faction of the Cancellieri extirpated from the city, III. 107.
— becomes ſubject to pope Clement vii. III. 108.
— the Guelphs, Ghibellines, Cancellieri, &c. all united, III. 109.
— ten noble citizens placed by Alexander to govern the city, III. 110.
— the remains of the Cancellieri cut to pieces, and inhumanly deſtroyed, III. 112.
— duke Coſimo diveſted the citizens of all honours and public offices, III. 118.
— the citizens diſarmed, and the city in danger of depopulation, III. 119.
— the Cancellieri attempt to deſtroy all the Panciatichi, III. 120.
— the government of the city reſtored to the citizens by Coſimo, III. 123. The factions of the Cancellieri and Panciatichi, under the names of Dormentoni and Riſoluti, cauſe diſturbance, III. 123.
— the citizens ſwear allegiance to Franceſco di Leopoldo, duke of Lorrain and Bar, III. 124.
Plato, his opinion of governments, I. 188.
Poland, account of the government of, I. 72. Meaſures which cauſed the ruin of, I. 77. The *Pacta conventa*, I. 79. The partition, I. 83. King Staniſlaus's obſervations on the government of Poland, I. 88.
Polybius, his opinion of the beſt ſort of government, I. 98.
— on government, I. 169.
— his opinion of checks and balances in governments, I. 175. 177.
— his partiality for the republic of Achaia, I. 296. 298.
Pompey, continued in office by the people, in their own defence, III. 281.
Pope aſſaſſinated, II. 259.
Pope's Homer, remarks on, I. 234.
Popular Aſſemblies ſubject to the ſame vices as ſingle men, I. 103.
Portenari, his obſervations on a republic, or commonwealth, III. 161.
Poverty, the love of, a fictitious virtue, II. 387.
— an abſolute love of never exiſted, III. 313.

Power not always safely lodged in the hands of many, I. 102. The desires of men exorbitant and endless, I. 103.
— the only remedy to lessen, III. 283.
— prolonged in the hands of a patriot, in what respect reputable or destructive, III. 300.
— derived from the people, III. 412.
— arbitrary, cannot be prevented, but by mixing equal proportions of the legislature, III. 412.
Prato taken from the Florentines, II. 155.
Price, Dr. his opinion of governments, I. 122. On the principles that govern human nature, I. 133.
Priors of Florence, II. 19.
Providence and chance preferable to a corrupt choice, III. 283.
Pythagoras, his notions of government, I. 322.

R.

Reason will not always govern individuals, III. 363.
Reformers, thirteen volumes of MSS. letters of, in the library of St. Gall, I. 52.
Regulus appointed to his command by the senate, III. 318. Continned in his command against his will; the senate cultivate his fields at the public expence, III. 319.
Representatives of the people, their duty, I. iii. Necessary regulations in the choice of, I. iii.
Representatives, a single assembly of, worse than monarchy or aristocracy, III. 301.
Republic, false application of that term, I. 87.
— described by Plato, I. 190.
— a definition of that word, III. 159.
— Portenari's observations on, III. 161.
— arguments in favour of it, III. 173.
— in the Italian, the minority always driven to arms in despair, III. 286.
— defended, II. 128.
— the simple form of, according to Plato, Aristotle, Polybius, and others, III. 171. Opposed to popular government, III. 171.
— defined by Montesquieu, III. 487.
Revenge, a weakness and vice, III. 330.
Rewards, how ascertained in different governments, III. 350.
— justice and sound policy the rule of, III. 455.
Ricci and Albizi, divisions between the families of, at Florence, II. 52.
Riches, necessary to government, I. 159.
— a crime in Athens, always punished by confiscation and death, III. 346.

Ridolphi, Giovambatiſta di Luigi, elected gonfalonier of Florence, II. 162.
Rochefaucault on the end of ambition, I. 132.
Rome, laws of Numa, ſuppoſed to have been ſuggeſted to him by Egeria, I. xv.
— ſtate of, under its conſuls, I. 98. Progreſs of the commons in power, I. 101.
— government, I. 171. Power of the conſuls, I. 171. Power of the ſenate, I. 172. Power of war in the people, I. 173.
— on the government of, I. 216. Inſtitutions of Romulus, I. 216. Power of the kings, I. 217. Senate, I. 218. Alterations in the form of government by Servius Tullius, I. 220. Conſuls eſtabliſhed, I. 222. Decemviri. I. 223.
— tribunes, I, 223.
— government of, I. 334. Law of the twelve tables, I. 346.
— government of, contraſted to that of Florence, II. 50.
— embaſſy of, to Ptolemy Philadelphus, III. 231.
— centuries and claſſes, the ſtate of them, at the time Manlius was condemned, III. 264.
— riſe and conſequence of factions, III. 277.
— the preſcriptions of Marius and Sylla, occaſioned by the enthuſiaſm of the people, III. 279.
— ſenate of, maintained a continual cabal, and murdered their beſt princes, III. 302.
— kings of, their greateſt fault a too much complaiſance to the ſenate, III. 303.
— the freedom of the ſtate of, diſputed, III. 312.
— never ſettled in a freedom of the people; a proof againſt Nedham's ſyſtem, III. 324.
— no ſupreme officers but the dictators, III. 325.
— the ſenate of, ſovereign, till the people ſet up a perpetual dictator, III. 326.
— manners equally pure under the kings, as under the ariſtocracy, III. 347.
— a review of this condition and happineſs under its kings and ſenates, III. 352.
— people of, owed their ſafety to the wiſdom of the ſenate, III. 402. Their arrogance led them into error, III, 402.
— conſtitution of, by what means deſtroyed, III. 467.
— governments unequal, becauſe their conſtitutions were unreſtrained, III. 410.
Romulus, his government of Rome, I. 216.
— put to death by the patricians, III. 302.
Rouſſeau, J. J. his opinion of a government to be formed by the gods, I. 8.

S.

Salembini, Andrew, murders a young lady, whom he had taken priſoner, II. 366.
Saluſt, a defender of ariſtocratical government, III. 253.
Salviati oppoſes the gonfalonier of Florence, II. 151.
Savanarola's oration on the government of Florence, II. 144.
— burnt for preaching againſt Alexander vi. and the corruptions of the court of Rome, II. 148.
Schaffhauſen, account of the canton of, I. 49.
Scotto, Alberto, lord of Placentia, choſen captain-general of Cremona, Placentia, and Pavia, and expels Matthew Viſconte from Milan, III. 138.
— the lordſhip of Placentia wreſted from him by the Torriani, III. 139.
— killed, III. 148.
Scali George, his inſolence in the government of Florence, II. 73. Beheaded, II. 74.
Secrets, betrayers of, hanged upon a gibbet, or burnt alive, at Venice and Rome, III. 500.
Sedition and rebellion recurred to, where corruption has failed, III. 279.
Self-denial, the expectation of, from man, a diſbelief of the word of God, III. 289.
Senates, the Roman and Venetian carried all by families, III. 468.
Senators, annual election of, with the authority of king, ſenate, and people, conſidered, III. 304.
Sermons will never be ſufficient to make all men virtuous, III. 477.
Sidney, on government by laws only, I. 125. On liberty and ſlavery, I. 127.
— his opinion of government, I. 148.
Siena, city of, its origin, II. 251.
— city of, made a free ſtate by Charlemain, II. 258.
— the coaſt of, deſtroyed by the Saracens, II. 260.
— Popolo, the faction of, its origin in, II. 261.
— commerce enlarged, II. 260.
— goes to war with Florence, and obtains a victory, II. 264.
— monuments, towers, &c. erected nigh the houſes of thoſe who behaved bravely in the engagement with the Florentines, II. 264.
— plebeians began to have the appellation of "the people," II. 267.
— the plebeians began to have a ſhare in the government, II. 268.
— divided into three popular factions, II. 268. *Siena*,

Siena, the Guelphs ſhut the gates of the city againſt the emperor, and defeat his army, II. 274.
— the plebeians attempt at a popular government, and repulſed, II. 275. Remonſtrances againſt it, 276.
— woollen manufacture introduced, II. 277.
— a podeſta elected, II. 278.
— concludes an alliance with Florence, II. 279.
— a law made that the podeſta ſhould be a foreigner, II. 283.
— a faction to ſet up a popular government, II. 285. The ſcheme ineffectual, the perſuaſion of Malavolti and others againſt it, 286. Gollucci's reply, 289.
— the popular ſpeakers, aim at honours and emoluments, II. 292.
— diſtinctions among the different factions of the city, II. 294.
— the ſoldiers and officers ſerve without pay, II. 296.
— Council of Cordenza, or Secret Council, its authority, II. 297.
— obtains a victory over the Florentines, and peace concluded, II. 298.
— a reformation of the government, its ill effects, II. 300.
— peace made between the Guelphs and Ghibellines, which cauſed another alteration in the government of, II. 302.
— Ghibellines and exiles beat the army, II. 304. Peace concluded by the interceſſion of the pope, 305.
— the government lodged in thirty-ſix magiſtrates; reduced to fifteen, II. 305.
— the Ghibellines, headed by N. Niccolo Buonſignori, raiſe a civil war, II. 306.
— the government veſted in nine merchants, II. 311.
— tyrannical government of the nine magiſtrates, II. 314.
— the name of nobility deteſtable in, II. 316.
— the Tolomei and Salimbeni families quarrel with each other, II. 318.
— the government of nine greatly augment the militia, II. 319.
— a riot in the city, cauſed by the ſmiths and butchers, II. 322.
— the judges and notaries demand to be admitted into the government, II. 322. Rejected, they attempt to aſſaſſinate the nine ſignori, 323. Suppreſſed, 324.
— Walter Duke of Athens, demands the ſeigniory of the city, II. 325.
— the people numbered, II. 326. Salembeni ſlain, and Tolomei aſſaſſinated; the whole city in tumults and commotions, 327.
— the people and the nobles attempt to depoſe the nine magiſtrates, II. 328. Fail in the plot, 329.

Siena, enters into a new league with Florence, II. 330.
— enters into another confederation with Florence, Arezzo, and Perugia, II. 330.
— the nine magiſtrates driven out of the palace, II. 331.
— revolution of the government of, II. 332.
— the patriarch of Aquilea inveſted with the ſovereignty, II. 333.
— the patriarch voluntarily renounces the government, after a few days, II. 334.
— the new government ineffectual, II. 335.
— the nobles excluded from the government, and the authority lodged in twelve magiſtrates and a captain, II. 337.
— conſpiracy againſt the government, diſcovered, II. 338.
— Giovanni de Salimbeni, made himſelf head of a conſpiracy, diſcovered, II. 339.
— the nobles artfully diſpoſſeſs the twelve magiſtrates, and new model the government, II. 341. The emperor aſſiſts the old government, who drive out the nobles, 341.
— the government of, changed into an oligarchical ariſtocracy, II. 342.
— the different parties raiſe a civil war, II. 351.
— the emperor made lord of the city, and a new office called the executor created, II. 353.
— many of the nobles deſtroyed and taken priſoners, II. 355. reſtored to the city, 357.
— the company del Bruco, raiſe a tumult, which occaſions murders, ravages, and alteration in the government, II. 359.
— ſelling the public revenue commenced, the reaſon why the public was always in debt, II. 363.
— the government of undergoes another revolution, II. 372.
— alterations in the government, II. 373. The tranquillity ſoon diſturbed by freſh commotions, 374.
— the citizens endeavour to put the city into the hands of Galeazzo, II. 383.
— the government of put into the hands of Giovan. Galeazzo Viſconte contedi Vertu, &c. ſeveral of the adverſe party beheaded; the citizens humbly ſolicit the privilege of paſſive obedience to their new lord, II. 385.
Sigibert made himſelf lord of Parma and Reggio, and an account of him and his family, III. 195.
Servius Tullius, murdered by the patricians, to make way for Tarquin, III. 303.
Slavery, Sidney's definition of, I. 127.
Smith, Sir Thomas, on governments, I. 207.
Sobriety, abſtinence, and ſeverity, never remarkable characteriſtics,

teriſtics of democracy, particularly proved in Athens. III. 343.
Socrates, his notions of government, I. 322.
Sodorini's oration, anſwered by Veſpuci for inveſting the authority in the ſenate, II. 140.
— elected gonfalonier of Florence for life, II. 149.
— moſt conſiderable among the leading men of Florence, II. 121.
— the gonfalonier, depoſed by the Florentines, and flies to Raguſa, II. 155.
Soleure, account of the canton of, I. 42.
Solon, new models the government of Athens, I. 98.
— his government of Athens, I. 145, 266.
Sommo Guiliana, a noble Cremonian, made podeſta of Placentia, III. 140.
Spain taken by the Saracens, II. 260.
Sparta, the primitive government of, I. 98.
— on the government of, I. 216.
— the government of, different from that of a free ſtate, III. 401.
— government of, unequal, III. 410.
Staniſlaus, King, his obſervations on the government of Poland, I. 88.
State, a free one, what it is, III. 292.
Statesmen, compariſon of them, III. 225.
— the greateſt, formed by their attendance on elections, III. 274.
Strozzi, Andrea, his rebellion at Florence, II. 47.
Strozzi, Pietro Baccio, Valori, and others put to death in Florence for rebellion, III. 117.
Strozzi, Tomaſo, his inſolence in the government of Florence, II. 73.
Swift, Dr. his opinion of ancient republics, I. 97.
— on the exorbitant deſires of men, I. 132.
Switz, account of the canton of, I. 33.
Switzerland, account of the democratical republics of, I. 22. Cantons of Appenzel, I. 23. Underwald, I. 26. Glaris, I. 28. Zug, I. 31. Uri, I. 32. Switz, I. 33.
— account of the ariſtocratical republics, I. 35. Berne, I. 35. Fribourg, I. 39. Soleure, I. 42. Lucerne, I. 45. Zurich, I. 47. Schaffhauſen, I. 49. Mulhouſe, I. 50. Bienne, I. 50. St. Gall, I. 50. Geneva.
Sybaris, the government of, I. 327.
Sylla, the proſcriptions by him and Marius, cauſed by the enthuſiaſm of the people, III. 279.

T.

Tacitus, his opinion of governments, I. xix.
— on the government of the ancient Germans, I. 225.
Tarquinius, Lucius, characterized, I. 219.
Teeth drawn as a punishment, II. 404.
Tell, William, lines on his shooting the apple on the head of his son, I. 48.
Thebes, the government of, I. 318.
Tillage, advantage of, to government, I. 160.
Toschi, Giuseppi, causes a sedition at Bologna, II. 407.
Treason, in the divine theory, to resist any government whatever, III. 437.
Triumvirates of Rome, their dreadful consequences, III. 430.
Tullius, Hostilius, put to death by the patricians, III. 302.
Tullius Servius, characterized, I. 220. Alterations in the form of government by him, I. 220.
Tumults, their various causes, III. 442.
— most remediless and fatal in a simple democracy, III. 446.
Turgot, M. his objections to a democratic government of America, I. 3. His objections answered, I. 5. Answer to his idea of government by a single assembly, I. 108. His opinion that liberty consists in being subject to the laws only, combated, I. 123.
— his opinion of a perfect commonwealth, confuted, I, 372.
— position of all authority collected in one centre, calculated to deceive the ignorant, III. 390.
Tuscany ravaged by the Hungarians, II. 259.
— congress or parliament, for settling the disputes among the cities of the league, II. 280.
Tyranny, described by Plato, I. 198.
Tyrant, not formerly, in Greece, a term of reproach, I. 278.

U.

Valerius, Manlius, speech on government, I, 184.
Valori, Francesco, assassinated in Florence, for being the chief patron of Savanarola, II. 148.
Vassalage of the Romans described, III. 312.
Venice, account of the republic of, I. 58. Ill conduct and tyranny of many of the doges, I. 58. State inquisitors, I. 66.
— observations on the government of, III. 361.
— betrayers of secrets hanged or burnt, III. 500. Senators receiving gifts or pensions from foreign states guilty of treason, II. 500. Conferring with ambassadors or agents, treason, II. 501.

Vices of different governments, I. 170.
Violante, daughter of Galeazzo, married to a ſon of the king of England, III. 150.
Virtu, John Galeazzo Viſconte, conte di, made Lord of Cremona and ſeveral other cities, III. 151.
— purchaſed the title of duke of Milan, and inaugurated with great pomp, III. 152.
Virtue, a word of uncertain ſignification, III. 487. Defined, III. 488.
Viſconte, Azzo, lord of Milan, and Cremona, died, III. 148.
Viſconte, Galeazzo, flies out of Cremona, III. 143.
— ſhut up in Milan by the Guelph factions, III. 148.
Viſconte, John, Archbiſhop of Milan, made ſole lord of Milan and Cremona, III. 149.
Viſconte, John Maria, duke of Milan, cauſes his mother Catharine Viſconte, to be ſtrangled, III. 153.
— duke of Milan, murdered while at maſs, III. 155.
Viſconte, Luchino, lord of Cremona, jointly with his brother John, III. 149.
Viſconte, Philip Maria, duke of Milan, cauſed his wife to be beheaded, becauſe ſhe was grown old, and he was weary of her, III. 156.
Underwald, account of the canton of, I. 26.
Unlimited Power, honourable to reſign, III. 281. Odious to take advantage of it, III. 281.
Uri, account of the canton of, I, 32.
Uzzano, Niccolo de, dies, Rinaldo ſucceeds him, II. 93.

W.

Waſhington, G. letter on the Conſtitution of the United States, III. 526.
Weſtern Empire fell in the fifth century, II. 502.
Women of Piſtoia, take arms and fight in the commotions of that city, III. 65. Their courage, III. 89.
Woollen Manufacture introduced in Siena, II. 277.

Z.

Zaleucus, his government of Locris, I. 331.
Zambraſio, Tibaldello, his curious expedient to rid Fienza of the Lambertacci, II. 433. His attempt ſucceſsful, and made a noble of Bologna, 438.
Zenecalli of Mantoua, treacherouſly murdered by the Bonacolſi, III. 197.
Zug, account of the canton of, I. 31.
Zurich, account of the canton of, I. 47.

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Government of Maharashtra
on 15 June, 2016